83.

SUPREME COURT OF THE UNITED STATES.

No. 83.

CHRISTOPHER FORD, APPELLANT,

vs.

ARCHIBALD DOUGLASS, MAXWELL W. BLAND, AND EMELINE HIS WIFE.

ON APPEAL FROM THE CIRCUIT COURT U. S. FOR EAST LOUISIANA.

INDEX.

	Original.	Print.
Complainant's petition	1	2
Transcript of proceedings in the parish of Madison	7	5
Exceptions and returns of marshal referred to in complainant's petition	67	45
Order to issue injunction	77	52
Subpœnas and marshal's returns	78	52
Writ of injunction	80	53
Marshal's return	82	55
Deposition of R. C. Stockton	83	55
Plaintiff objects to said deposition	84	56
Defendants' answer to petition	84	56
Plaintiff's exceptions to answer	101	65
Agreement of counsel	102	66
Transcript of proceedings, in Mississippi, in the matter of James S. Douglass' estate	102	66
Order of circuit court	124	81
Judgment of circuit court	124	81
Petition of appeal	125	82
Appeal granted	126	82
Appeal bond	127	82
Citation	129	83
Service of citation	130	84
Clerk's certificate	130	84
Judge's certificate	131	84

J. & G. S Gideon, printers.

United States circuit court, ninth circuit, eastern district of Louisiana.

Be it remembered that on this twenty-first day of December, in the year of our Lord one thousand eight hundred and forty-two, came in the court of the United States, ninth circuit, in and for the eastern district of Louisiana, Archibald Douglas and others, by Jno. R. Grymes, their attorney, and filed the following, to wit:

The United States circuit court.

ARCHIBALD DOUGLAS & ALS.
vs.
CHRISTOPHER FORD, &c. } No. 1045.

To the honorable the judges of the circuit court of the United States, in and for the ninth circuit and eastern district of Louisiana, the petition of Archibald Douglas, a citizen of the State of Louisiana, residing in the parish of Madison, in said State, and of Maxwell W. Bland and Emeline his wife, late Emeline Douglas, widow of James S. Douglas, deceased, citizens and residents of the State of Mississippi, humby shews:

That one Christopher Ford, a citizen and resident of Virginia, did, on or about the 23d day of December, 1840, obtain a judgment in this honorable court in a certain suit instituted by him against one Stephen Douglas, as executor of the last will and testament of James S. Douglas, deceased, for the sum of nine thousand one hundred and eighty dollars, together with four dollars costs of protest, with interest at the rate of eight per cent. per annum on the sum of four thousand five hundred and ninety dollars, from the fifteenth day of January 1838, till paid, and on four thousand five hundred and ninety dollars, from the 15th day of January, 1839, till paid, and costs of suit, which suit is known by the number 576, of the docket of this honorable court. That on or about the twenty-sixth day of December, 1840, the said Christopher Ford did obtain another judgment in this honorable court in a certain suit instituted by him in this honorable court against the said Stephen Douglas, executor as aforesaid of the said James S. Douglas, for the sum of four thousand five hundred and ninety dollars, with three dollars costs of protest, and interest on the sum of $4,590, from the 15th day of January, 1840, till paid, at the rate of 8 per cent. per annum, and costs of suit, which said last mentioned suit is known by the number 580 of the docket of this honorable court. That on or about the third day of January, eighteen hundred and forty-two, the said Christopher Ford did obtain another judgment in this honorable court in a certain suit instituted by him against the said Stephen Douglas, executor as aforesaid of the said James S. Douglas, for the sum of

four thousand five hundred and ninety dollars, with interest thereon, at the rate of eight per cent. per annum till paid, and costs of suit, which suit is known by the number 787 of the docket of this honorable court; all of which said three suits, and the proceedings therein, are of record in this honorable court, and which said records are for greater certainty referred to, and made part of this their petition.

Your petitioners further shew, that after the obtaining the said several judgments as aforesaid, against the said Stephen Douglas, executor as aforesaid, the said Christopher Ford did cause three writs of fieri facias to issue from this honorable court on the judgments so obtained as aforesaid against the said Stephen Douglas, as executor as aforesaid, and placed the same in the hands of the marshal of this honorable court, and that by virtue thereof the said marshal pretends to have seized, under the directions and orders of the said Ford, and to have levied on and held subject to the said executions, one undivided half or the whole of a certain plantation on the Mississippi river, in said parish of Madison, known and called by the name of the Buck Ridge plantation, and ninety slaves attached to and employed on said plantation; and also the whole or undivided half of a certain plantation and seventeen slaves attached thereto, all of which are more particularly set forth and described in the transcript of the record of the mortuary proceedings of the late James S. Douglas, deceased, which is hereto annexed, and prayed to be taken as part hereof. Your petitioner further shews, that the said Christopher Ford, by virtue of the said three writs of fieri facias aforesaid, threatens to cause all the aforesaid property, together with other the personal property of your petitioners, to be seized, levied on, and sold to satisfy the same, and that the marshal of this court, A. Sydney *Robinson*, in whose hands the said three writs now are, also threatens to proceed to sell the aforesaid property, comprising the plantations and slaves aforesaid, and other personal property of your petitioners, to satisfy the same. Now your petitioners shew, that the said Stephen Douglas, neither in his own right, nor as executor of the said James S. Douglas, deceased, has any title or interest to, or in the said plantation, slaves, or other personal property, seized or intended to be seized, under or by virtue of the said writs; and that the same forms no part or portion of the estate of the said James S. Douglas, in the hands of the said Stephen Douglas, as his executor, to be administered. But your petitioners aver, that the whole of the said plantations and slaves, and all the personal property thereon, the crops of cotton and all other things thereon, are the true and lawful property of your petitioners, Emeline, wife of the said Maxwell W. Bland, and Archibald Douglas, of good and lawful title, and that they are now in possession thereof, and have been, for a long time before the issuing of the said writs of fieri facias, in the lawful possession thereof, having acquired the same at a

probate sale made by the parish judge of the said parish of Madison, of all the property belonging to the estate and succession of the said James S. Douglas, deceased, which sale was lawfully made, and vested in your petitioners aforesaid good and lawful title to the same; all which will appear by the process verbal of the said adjudications thereof, which are in the said transcript of the mortuary proceedings aforesaid, before referred to, and making part thereof; and your petitioners, the said Emeline Bland, and the said Archibald Douglas, are entitled to hold, possess, and enjoy the same, free of all disturbance from the said Christopher Ford, or the said marshal, under or by virtue of the said writs of fieri facias.

Your petitioners further shew, that a seizure and sale of the said plantations and slaves will work and cause an irreparable injury to your petitioners, depriving them of the possession and enjoyment of their property to so large an amount, breaking up their agricultural establishments by the separation of the slaves from their plantations, and utterly destroying their crops to their great damage and utter ruin, clouding and injuring their title thereto, and involving them in endless litigation, by transferring the possession to others, without any means or fair prospect of ever obtaining any adequate compensation or satisfaction therefor. Your petitioners aver, that to avert the great losses, evils, and oppression with which they are menaced by the unjust, violent, and oppressive pretensions and manifest intentions of the said Christopher Ford, and the unlawful combinations of the said A. Sidney Robertson, marshal of the eastern district of Louisiana, in persisting in the design to sell the property of your petitioners under the said writs aforesaid, and to take the same out of your petitioners' possession, they have no adequate remedy, but in the equitable powers of this honorable court, and the equitable remedy of a writ of injunction. Wherefore, they pray that the said Christopher Ford, and the said A. Sidney Robertson, marshal as aforesaid, may be made parties hereto, that they may be cited by the process of subpœna, and may answer to all and singular the matters and things herein set forth, as fully and particularly as if herein repeated, and they specially interrogated; and that, after all due proceedings had, the said plantations and slaves, and all the personal property thereon, the crops growing or gathered, may be decreed to be the lawful property of your petitioners as aforesaid, and free and clear of all levy, seizure, and sale under and by virtue of the writs of fieri facias aforesaid; and that, in the mean time, the said Christopher Ford, and the said marshal, may be enjoined from all farther proceedings on the said three judgments or the said writs of fieri facias against the said plantations and slaves, personal property or crops, growing or gathered, now in the possession of your petitioners, or their agents, or factors, until the further order or decree of this honorable court; and that, on the final hear-

ing, the said injunction may be made perpetual. And that your petitioners may have all such other and further relief in the premises as justice and equity, and the nature of the case, may require.

Signed, JNO. R. GRYMES,
For plaintiff.

Archibald Douglass and Maxwell W. Bland, two of the petitioners, being duly sworn, doth depose and say, that all the matters and things set forth and alleged, as of their own knowledge, are true, and those stated from the information of others they believe to be true.

Signed, M. W. BLAND,
A. DOUGLAS.

Sworn to and subscribed before me, this 21st Dec'r, 1842.
Signed, H. *P.* PAGE, *Deputy clk.*

And on the same day, the 21st day of December, 1842, the transcript of mortuary proceedings, in succession of James S. Douglas, in the parish of Madison, was filed.

UNITED STATES CIRCUIT COURT.

ARCHIBALD DOUGLAS and others
vs. } No. 1,045.
CHRISTOPHER FORD, &c.

Petition for taking inventory, &c.

STATE OF LOUISIANA,
Parish of Madison: } Court of probates.

To the honorable Richard Charles Downes, parish judge, in and for the parish of Madison, State of Louisiana, ex officio judge probates.

The petition of Stephen Douglas, of the parish of Madison aforesaid, respectfully represents, that his brother, James S. Douglas, deceased, of Mississippi, died November , 1837, at the house of your petitioner in this parish; that previous to his death he made and executed his certain last will and testament, which has been probated in Claiborne county, Mississippi; that said will makes and appoints your petitioner, Stephen Douglas, and Passmore Hoopes, of the State of Mississippi, testamentary executors for the property of the deceased, lying in the parish of Madison, La., as will appear by a copy of the will here annexed.

Therefore your petitioner prays that an inventory of said property may be duly taken in accordance with the laws of the parish —State; that the honorable court grant letters in pursuance of said testament, and all and general relief as the case of probate jurisdiction may require; and as in duty bound your petitioner will ever pray, &c., &c.

STEPHEN DOUGLAS.

STATE OF LOUISIANA, *parish of Madison:*

Court of Probates, May 26th, 1838.

Let the prayer of the petition be granted upon probate of the testament, let an inventory be taken on the 29th instant, let J. H. Moore and William Curry be appointed appraisers, and let James Marsh Downes be appointed counsel of the absent heirs of James S. Douglas.

RICHARD CHARLES DOWNES,
Judge of the Probates.

Done and signed in open court, May 26th, 1838.

Filed May 23d, 1838.

Inventory.

STATE OF LOUISIANA, *parish of Madison:*

Be it known and remembered, that on this twenty-ninth day of May, eighteen hundred and thirty-eight, I, Richard Charles Downes, parish judge and ex-officio notary public, in and for the parish of Madison aforesaid, assisted by Joseph H. Moore and William Curry, citizens, freeholders of this parish, duly appointed and sworn appraisers, and in the presence of James M. Downes, attorney-at-law, duly appointed to represent the absent heirs, and of the witnesses hereinafter named and undersigned, at the request of Stephen Douglas, executor of James S. Douglas, deceased, did take the following inventory of the property belonging to the succession of the said James S. Douglas, situate in this parish, as follows, to wit:

1st. Three thousand nine hundred and twenty-six acres of land, lying on the Mississippi river, Buck Ridge, and lake St. Joseph, eight hundred and fifty acres of which is cleared and improved, appraised at $60 per acre - - - - -	$51,000 00
Three thousand and seventy-six acres uncleared woodland, appraised *a* $10 per acre - - -	30,760 00
2d. Three thousand and twenty acres of woodland, supposed to be entered and belong to the said succession, as back concession on lake St. Joseph, place appraised *a* $10 an acre - - - -	3,200 00
1. One negro man Bob, aged 40 years, appraised *a* -	700 00
2. One negro John Myers, aged 20 years, *a* - -	800 00
3. Harry, negro man, aged 33 years *a* - -	900 00
4. Negro man Damon, aged 23 years, *a* - -	800 00
5. Negro man Bob Hawkins, aged about 50 years, *a*	600 00
6. Cuff, a negro man, aged 30 years, *a* - -	700 00
7. Negro man Fielding, aged 35 years, *a* - -	900 00
8. Do. Ned Tanner, aged 35 years, *a* .	800 00
9. Do. Phillip, aged 19 years, *a* - -	700 00

INVENTORY—Continued.

10.	Negro man Bill Upton, aged 25 years, *a* - -	$800 00
11.	Do. Jesse, aged 35 years, *a* - -	800 00
12.	Do. Boy Lewis, aged 15 years, *a* - -	700 00
13.	Do. do. Lindsey, do. 16 do. *a* -	700 00
14.	Do. do. Boney, do. 15 do. *a* -	700 00
15.	Do. do. Jim, do. 12 do. *a* -	500 00
16.	Do. do. Sam, do. 13 do. *a* -	600 00
17.	Do. do. Peter, do. 14 do. *a* -	600 00
18.	Negro man Andrew, aged 40 years, *a* - -	700 00
19.	Negro boy Caleb, aged 4 years, *a* - -	150 00
20.	Do. Ned, do. 14 years, *a* - -	600 00
21.	Do. Aaron, do. 15 years, *a* - -	600 00
22.	Do. Joseph, do. 20 years, *a* - -	600 00
23.	Do. Elijah, do. 11 years, *a* - -	500 00
24.	Do. Bill, do. 8 years, *a* - -	300 00
25.	Do. Albert, do. 8 years, *a* - -	300 00
26.	Do. Jack, do. 7 years, *a* - -	250 00
27.	Do. Jesse, do. 7 years, *a* - -	250 00
28.	Do. Howard, do. 7 years, *a* - -	250 00
29.	Negro man, Jim Shields, aged 27 years, *a* -	700 00
30.	Negro boy, Basil, aged 10 years, *a* - -	500 00
31.	Negro woman Henriette, aged 40 years, and child Martha *a* - - -	700 00
33.	Do. Mary, aged 20 years, and child Andrew, aged 1 year - -	700 00
35.	Do. Amy, aged 30 years, and 2 children, Patsey and Ambrose -	800 00
38.	Do. Kissy, aged 28 years, and 2 children, Hampton 4 yr., Emily 1 yr., *a*	850 00
41.	Do. Ellen, aged 27 years, and child Marcelles, aged 1 year, *a* -	700 00
43.	Do. Matilda, aged 25 years, and 2 children, Henry 4, Amanda 8 *a* -	1,100 00
46.	Do. Hannah, aged 35 years, *a* - -	600 00
47.	Do. Eliza, aged 20 years, and child Viney, aged 1 yr. - - -	700 00
49.	Do. Sukey, aged 21 years, and child Harry, aged 2 yrs. - -	800 00
51.	Do. Dinah, aged 23 yrs., and child Oscar *a* - - - -	800 00
53.	Do. Rachel, aged 40 years, *a* - -	600 00
54.	Do. Sarah, aged 18 years, *a* - -	700 00
55.	Do. Sophy, aged 25 years, *a* - -	600 00
56.	Do. Winney, aged 20 years, *a* - -	600 00
57.	Do. Mary, aged 23 years, *a* - -	600 00

INVENTORY—Continued.

58.	Negro woman Maria, aged 30 years, *a* - -	$600 00
59.	Do. Nancy, aged 20 years, *a* - -	600 00
60.	Do. Peggy, aged 40 years, *a* - -	500 00
61.	Do. Esther, aged 15 years, *a* - -	500 00
62.	Negro girl Eliza, aged 7 years, *a* - -	300 00
63.	Do Kitty, aged 10 years, *a* - -	350 00
64.	Negro boy Washington, aged 7 years - -	300 00
65.	Negro girl Rosetta, aged 10 years, - -	300 00
66.	Do. Milly, aged 8 years, *a* - -	250 00
67.	Do. Esther, aged 5 years, *a* - -	200 00
68.	Do. India, aged 3 years, *a* - -	150 00
69.	Negro man Eli, aged 25 years, *a* - - -	800 00
70.	Do. Charles Rice, aged 25 years -	800 00
71.	Negro woman Rachael, aged 25 years - -	700 00
72.	Do. Adeline, aged 16 years, *a* -	600 00
73.	Do. Leonora, aged 15 years, *a* -	450 00
74.	Jinny, aged 45 years, and 2 child., Milly, aged 7 yrs., and Minevera, 3 years - - -	900 00
77.	Negro boy Isham, aged 10 years, *a* - -	400 00
78.	Do. man Charles, aged 30 years, *a* - -	800 00
79.	Negro woman Amy, aged 55 years, *a* - -	300 00
80.	Do. July Ann and infant, aged 24 years, *a* -	700 00
81.	Negro man Bill, aged 21 years, *a* - -	800 00
82.	Do. Sam. Slack, aged 21 years, *a* -	800 00
83.	Do. Matt, aged 35 years, *a* - -	800 00
84.	Do. Harry, aged 50 years, *a* - -	500 00
85.	Do. Sam. West, aged 19 years, *a* -	700 00
86.	Charles Williams, aged 35 years, *a* - -	750 00
87.	Bob. Bradley, aged 30 years, *a* - - -	750 00
88.	Scipio, aged 50 years, *a* - - - -	300 00
89.	Negro woman Juddy, 40 years, *a* - -	300 00
90.	Negro man Carter, aged 40 years, *a* - -	500 00
91.	Woman Mary, aged 45 years, *a* - - -	500 00
92.	Do. Mary, aged 14 years, *a* - - -	500 00
93.	Kesiah, aged 30 years, *a* - - - -	700 00
94.	Negro man George, aged 15 years, *a* - -	450 00
95.	Do. March, aged 15 years, *a* - -	700 00
96.	Do. Jack, aged 25 years, *a* - -	700 00
97.	Do. Ellick, aged 30 years, *a* - -	800 00
98.	Do. woman Maria, aged 25 years, *a* - -	600 00
99.	Negro boy, John, aged 8 years, *a* - -	400 00
100.	Negro child*ren* Harriett, 5 years old, *a* - -	200 00
101.	A negro child, Thompson, aged 3 years, app'd	100 00
102.	Negro woman Caroline, aged 18 years, *a* -	600 00
103.	Do. woman Rachael, aged 40 years, and child Mary Ann, aged 8 years - - -	500 00

INVENTORY—Continued.

Twenty-two horses, appraised *a* $80 each	$1,760 00
Eight ditto, running in the woods, *a* $40	320 00
Twenty-five head of cattle, *a* $6	150 00
One hundred and fifty head of hogs, *a* $2 p. h.	300 00
Thirty-three head of sheep, *a* $2 50 ea.	82 50
One secretary, appraised *a* $30	30 00
Medicine chest, *a* $5	5 00
One dressing glass, *a* $2 50	2 50
One bedstead and bedding, $40	40 00
One mahogany frame, glass broken,	10 00
One side board, *a* $20	20 00
Two tables, *a* $15	15 00
One dozen Windsor chairs, *a* $20	20 00
One side board at $60	60 00
Two bureaus, *a* $20 ea.	40 00
One table and workstand *a* $15	15 00
One eight day clock, *a* $40	40 00
One Mitchel's map of the United States	15 00
One bed and bedding *a* $40	40 00
One low post do. and do., *a* $25	25 00
One washstand *a* $5	5 00
One bed and bedding, *a* $30	30 00
A lot of apothecary furniture, *a*	5 00
One lot of miscellaneous books, *a*	20 00
Lot of dishes, glass, and table furniture	15 00
Kitchen furniture and utensils, *a*	25 00
Two cross-cut saws, *a* $15	10 00
Nineteen ploughs, *a* $5 each	95 00
Ten cultivators, *a* $4 each	40 00
Three iron tooth arrows, *a* $3 each	9 00
Eleven cultivators, *a* $3 each	33 00
One sett of blacksmith's tools, *a* $20	20 00
One ox waggon, *a* $75	75 00
One do., *a* $100	100 00
One ox cart, appraised *a* $5,	5 00
One crib of corn, about 1,000 bushels, *a*	300 00
One bedstead and bedding, *a* $25	25 00
One do. do. with matrasses, *a* $15	15 00
One table and table furniture, at the lake place	15 00
One medicine chest, *a* $5	5 00
Kitchen furniture and utensils, *a* $5	5 00
2 yoke of oxen, *a* $50 each	100 00
3 mules, *a* $80 each	240 00
2 horses, *a* $80 each	160 00
2 colts, *a* $40 each	80 00

INVENTORY—Continued.

One crib of corn (small) - - - -	$30 00
Fifty-four bales of cotton, *a* $30 - - -	1,720 00
One note of hand, signed Thos. A. J. Evans, app'd -	4,277 70
One parcel of title papers, being deeds and bonds for making titles, twelve in number, and marked from one to twelve, enveloped in a wrapper, endorsed 12 deeds.	
One parcel of duplicates from the land office at Ouachitta, fourteen in number, and bearing Nos. 641, 676, 677, 851, 853, 1,177, 1,265, 1,266, 1,710, 1,711, 1,820, 2,894, 2,895, 4,031. Nos. 853, 1,265, and 1,266, relating to lands heretofore sold by James S. Douglas to Jessee Stanbrough, as said Stephen Douglas declared, enveloped in a wrapper marked Ouachita, duplicate 14.	
One parcel of receipts from the receiver's office at Chochuma, six in number, Nos. 3,148, 3,149, 3,150, 3,151, 3,152, and 3,153, enveloped in a wrapper, endorsed Chocchuma receipts.	
One parcel of papers, being five receipts money deposited in the land office at Washington, Mississippi, Nos. 3,308, 3,331, 3,334, 3,340, and the fifth not numbered, but dated 1st December, 1834. And fifteen duplicates from the said land office, Nos. 2,286, 2,621, 2,878, 3,112, 3,113, 3,114, 3,115, 3,119, 2,309, 4,100, 4,219, 598, and three unnumbered, but dated 21st Oct'r, 1838, 7th Oct'r, 1835, 7th Oct'r, 1835, enveloped, and endorsed Washington, receipts 20.	

And the said Stephen Douglas declared, that he knew of no other property in this parish belonging to the said succession.

And the attorney representing the absent heirs also declared, that he knew of no other property belonging to the said succession.

And the recapitulation of the said property is as follows:

The land appraised at - - - -	$84,960 00
The negroes, 103 in number, appraised at - -	52,400 00
The stock of horses, cattle, &c., &c., appraised at	3,192 50
The household and kitchen furniture at - -	542 50
The waggons, carts, and farming utensils, at -	387 00
The corn appraised at - - - -	330 00
The cotton do - - - -	1,720 00
The note of hand drawn by Evans appraised -	4,277 70
The total amount of the inventory - -	$147,809 70

Done as aforesaid, in the parish of Madison, on the twenty-ninth day of May, eighteen hundred and thirty-eight, in the presence of Archibald Douglas and James Barnett, witnesses above the age of twenty-one years, who sign with the parties, all residing in this parish.

JOS. H. MOORE,
WILLIAM CURRY,
JAMES MARSH DOWNES,
Attorney for absent heirs.
STEPHEN DOUGLAS,
ARCHIBALD DOUGLAS,
JAMES BARNETT,
RICH'D CHARLES DOWNES,
Parish judge.

Filed May 29th, 1838.

Motion.

STATE OF LOUISIANA, *parish of Madison:*

To the honorable the court of probates for the parish of Madison:

The counsel of absent heirs for the succession of James S. Douglas, deceased, duly appointed by the honorable the court of probates for the parish of Madison aforesaid, respectfully represents, that Stephen Douglas, of this parish, brother of James S. Douglas, dec'd, has the possession of the estate of the said deceased, situate in this parish; that said Stephen Douglas was left, by the last will of the said James S. Douglas, testamentary executor, together with Passmore Hoops, of Mississippi; that said Stephen Douglas has petitioned the honorable court of this parish, for letters of executorship, in confirmation of the will of the deceased, under the authority of which, and also being a copartner in the property of his brother James S. Douglas, deceased, he has administered the succession of said deceased; that the said Stephen Douglas has neglected and failed to probate the will, and has no authority from your honorable court to administer said succession; that upwards of a year has elapsed since the commencement of the seizen of Stephen Douglas of the said succession, and he has failed to render any account of his executorship. Wherefore counsel for absent heirs moves the honorable court to order that the will of the said deceased be probated, and that Stephen Douglas render an account of his administration, and in case of longer neglect to probate the will of the said deceased, that there be a curator appointed to said succession, and give the security required by law. Counsel for absent heirs move, that Stephen Douglas have due notice of this proceedure; that he be cited to answer in the premises, and for general relief, &c.

JAMES M. DOWNES,
Counsel for absent heirs of the succession of James S. Douglas.

Filed March 12th, 1839.

Will.

"Ne varieter." RICHARD CHARLES DOWNES,
Parish Judge.

March 30th, 1839.

I, James S. Douglas, of the parish of Concordia, and State of Louisiana, being feeble in body, and knowing the uncertainty of this life, but of sound and disposing mind and memory, do make and publish this my last will and testament.

First. I direct that my just debts be paid, as soon after my decease as my executors shall realize the same from the real and personal estate entrusted to their care and management.

Secondly. Reposing the utmost confidence in my beloved wife, Emeline Douglas, I hereby constitute and appoint her executrix, and my brother Stephen Douglas, and my friend Passmore Hoopes, executors of all my estate, real and personal, lying and being in the State of Mississippi.

Thirdly. I also appoint my brother Stephen Douglas, and my friend Passmore Hoopes, executors of all my estate, real and personal, lying and being in the State of Louisiana.

In witness whereof, I have hereunto set my hand and seal, this twenty-fourth day of November, one thousand eight hundred and thirty-seven.

JAMES S. DOUGLAS.

Signed, sealed, and delivered in the presence of us, who have subscribed in the presence of each other.

WM. FINLEY,
HENRY C. DENT,
GABRIEL HOUSE,
ROTT & BRENHAM,
JAMES CHAMBERLAIN.

"Ne varieter." RICHARD CHARLES DOWNES,
Parish judge.

March 39, 1839.—Filed March 30th, 1839.

Process verbal of proving will.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered, that on this thirtieth day of March, A. D. eighteen hundred and thirty-nine, before me, Charles Richard Downes, parish judge, and ex officio judge of the court of probates, in and for the said State and parish, personally came and appeared Gabriel House, a resident of the said parish, who, being first sworn on the holy Bible, deposed and said, that he recognized an instrument which was exhibited to him as the last will of the said James S. Douglas, deceased, to be the same which he saw William Finley, a resident of the State of Mississippi, write, and which he saw the said James S. Douglas sign his name to; that he, this de-

ponent, signed it as a witness, and that he recognized his signature, as well as the signature of said James S. Douglas; and that he saw William Finley, Henry S. Dent, Robert L. Brenham, and James Chamberlain, subscribe their names to the said will.

Deponent further said, that all the said witnesses stood near to James S. Douglas, at the time he subscribed his name to the said will, for the purpose of seeing him do so; and that he, this deponent, is the only one of the witnesses, as aforesaid, now residing in the State of Louisiana.

GABRIEL HOUSE.

Sworn to and subscribed, on this 30th day of March, A. D. 1839, before me, RICH'D CHARLES DOWNES,
Parish judge.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered that, on this thirtieth day of March, A. D. eighteen hundred and thirty-nine, I, Richard Charles Downes, parish judge and ex officio judge of the court of probates, in and for the said State and parish, having received of Stephen Douglas the will of James S. Douglas, deceased, at my office in Richmond, in said parish, proceeded in open court to open and receive the proof of the will of James S. Douglas, deceased. And Gabriel House, a resident of the said parish, having been sworn, on the Holy Bible, to testify as a witness to the said will, having freely and willingly declared that the said will was written in his presence, and that he saw James S. Douglas sign his name thereto; and that he recognized the will and his own signature as a witness, as well as the signature of the said James S. Douglas; and that he saw the other witnesses subscribe their names thereto, and that he is the only witness to said will now living in this State. I proceeded to read the said will in an audible and distinct voice to the said witness and other persons present; and it appearing to be in regular form, I have signed it "ne varietur" at the beginning and end of the only page of which it consists; and therefore, by reason of the law and the evidence, it is ordered and decreed that the said will be executed as the last will and testament of James S. Douglas, deceased, and that it be recorded; and it is also further ordained that the said original will, thus proved, shall be deposited in my office.

Done and signed, in open court, this thirtieth day of March, A. D. 1839.

Filed March 30th, 1839.

RICH'D CHARLES DOWNES,
Parish Judge.

Account of S. Douglass, testamentary executor. To the honorable Richard Charles Downes, judge of the court of probates, for the parish of Madison, State of Louisiana.

Stephen Douglas, testamentary executor of the succession of

James S. Douglas, in pursuance of an order of your honor, comes into court to render an account of his executorship, respectfully represents, that he has paid debts of the succession to the amount of $50,457 03; that [he] has paid debts for which the deceased and himself as partners and joint owners were jointly bound and liable to the amount of $40,532 15, as will appear by the within account. He shews that the amount of the net proceeds of the sales of cotton are $37,838 26; that, as a partner and joint owner, he is entitled to one-half of said proceeds; that the succession of James S. Douglas is bound for one-half of the partnership debts and the expenses in making the crop, &c. He represents that the succession of James S. Douglas is indebted to him in the sum of $53,150 42, as the within account will shew. He prays that the account, as here made out after due notice to all those concerned, and all legal proceedings had without opposition being made and sustained, may be ordered to be homolgated; and that the succession of James S. Douglas be adjudged and decreed to be indebted, and pay to Stephen Douglas, testamentary executor thereof, in the due course of administration, the sum of $53,150 42, and the costs accruing therein, and for general relief. He further represents, that the succession is still unsettled; wherefore he prays that he may be continued in his executorship one year longer, and for general relief.

Stephen Douglas test. executor, *Stephen Douglas testamentary executor* of the succession of James S. Douglas, dec'd, in account with the succession of said deceased, charges himself as follows:

1837, Nov. 25. By 450 bales of cotton U. S. 178,893 12c, sold by Rice & Young, as per account No. 3, (partnership) - - - - -	$21,467 16
1838. Nett proceeds of 51 bales of cotton sold by Turpin & Nugent, as per account No. 11, (partnership)	1,510 90
1838. By 139 bales of cotton, 60,467 lbs., *a* 13 cents, sold by Moore & Burroughs, as per account No. 8, (part.) - - - - - -	7,860 70
With 100 bales of cotton shipped by Passmore Hoopes to Europe, of which no account of sales has been received, but say $50 per bale - - -	5,000 00
With 40 bales of cotton paid Samuel Dent for certain slaves, viz: July Ann, Diana, Hester, Rosetta, Milly, Mary Jane, Bill Basil, being the first payment for said slaves; which said slaves are mentioned in the inventory, and embraced in the partnership property—say 40 bales *a* $50 - -	2,000 00
	$37,838 76

ACCOUNT—Continued.

And he prays allowance as follows:	
1837, Nov'r 16. Howard & John's account of burial expenses, as per No. 1 - - - -	$110 00
Probate charges $100, No. 2, H. Bayley's account, Nos. 2 & 3 - - - - - -	235 23
E. L. Clark fi. fa. $721 76 cts., & 36 87, No. 4 -	758 63
Watt, Burk, & Co., No. 5, $34,248 56. J. M. Scanland, $31 76, No. 5 & 6 - - - -	34,280 32
Brown & Green, No. 7, $21. James S. Douglas' draft on Summers & Watt, 8 - - - -	2,427 04
Summers & Watt, No. 9, $1,205. Do. $1,624 20 as per account, No. 9 & 10 - - -	2,829 24
Sundry account, No. 11, $413 98. Counsel for absent heirs, No. 11 - - - -	713 98
Moore, Burroughs & Co., No. 12, $5,670. Ditto $584 97, as per account Nos. 12 & 13 - -	6,254 97
For 20 bales of cotton, or $1,000 paid S. Dent for certain slaves, included in the inventory of partnership property, this being the portion of the first payment chargeable to the succession of deceased for bill of sale from Saml. Dent - - -	1,000 00
To ½ p. c. commissions on ½ the amount of inventory—amount of inventory $147,890—½ of 73,904 95 - - - - - -	1,847 00
For all of which he prays allowance as debts exclusively of the succession of James S. Douglas, deceased - - - - - -	50,457 03
Muir, Moore & Co. No. 1, $4,248 76; W. S. Pickett, No. 2, $534, Nos. 1 & 2 - - -	4,782 76
Cash paid Rice & Young, as p. acct., No. 3 - -	22,730 80
Summers & Watt, No. 5, $2,571 24. Taxes, No. 6, 20. Medical, No. 7, $23 Nos. 5, 6 & 7 - -	928 10
Moore, Burroughs & Co., No. 8, $3,689 47. E. Donaldson, $87 31, Nos. 8 & 9 - - -	3,776 78
Tenpin & Nugent, No. 10, $1,510 90. Turpin & Watt, $2,710 67, Nos. 10 & 11 - - -	4,221 57
Brown & Green, No. 13, $1,038 19. Reynolds, Abraham & Co., $931 99, Nos. 13 & 14 - -	1,970 18
Plantation expenses, ploughs, pork, &c., &c., No. 15	1,940 12
Wm. C. Tait, $9 13. J. M. Scanland $18, No. 16 -	27 13
Charges for overseer, as per account No. 18 -	2,000 00
He prays allowance for ½ as partnership ½ - -	43,246 44

ACCOUNT—Continued.

He prays allowance for ½ of the proceeds of the -	$21,623 22
Sales of cotton. Sales amo't $37,817 86—½ of -	18,908 93
	$40,532 15
	90,989 18
	37,838 76
Leaving a balance of $53,150 42, for which he prays allowance - - - - - -	$53,150 42

(Filed August 19th, 1839.)

Notice that executor has filed account.

STATE OF LOUISIANA, *parish of Madison, court of probates:*

Notice is hereby given to all persons whom it may concern, that Stephen Douglas, testamentary executor of the succession of James S. Douglas, deceased, has rendered his account of his executorship. And all heirs and other claimants are required to file their written objections to the same, if they have any, within three days after the date of this notification.

Witness the signature and official seal of the judge of the said court, this 20th day of August, A. D. 1839.

RICHARD CHARLES DOWNES, [L. S.]
Parish judge.

Filed August 26th, 1839.

STATE OF LOUISIANA, *parish of Madison:*

I certify that the within notice has been duly advertised by being stuck up at the door of my office, and at the court house door, from the 20th day of August, 1839, till this 26th day of August, A. D. 1839.

RICHARD CHARLES DOWNES, *Parish judge.*

Prayer of the counsel of absent heirs for further time.

STATE OF LOUISIANA, *parish of Madison:*

To the honorable Richard Charles Downes, judge of the court of probates for the parish of Madison, State of Louisiana.

James M. Downes, appointed by the honorable court to represent the absent heirs of the succession of James S. Douglas, deceased, comes into court confessing having received notice of the account rendered by Stephen Douglas, *deceased, comes into court, confessing having received notice of the account rendered by Stephen Douglas,* testamentary executor of his administration, but prays that this honorable court will not order the homologation of the account

as rendered. And that he may have further time to make a full and further examination of the accounts as submitted.

JAMES M. DOWNES,
Counsel for absent heirs of James S. Douglas.

(Filed August 23d, 1839.)

Answer of the counsel of the absent heirs.

STATE OF LOUISIANA, *parish of Madison:*

James M. Downes, counsel for the absent heirs of James S. Douglas, deceased, duly appointed by the honorable the judge of the court of probates, for the parish of Madison, State of Louisiana, comes into court, and for answer to the account rendered by Stephen Douglas, testamentary executor, says, that upon examination of the said account, the same appears to be just and true. Wherefore, he has no objections to the homologation of the account as rendered, according to the prayer of the executor.

JAMES M. DOWNES,
Attorney for absent heirs of James Douglas.

(Filed October 23, 1839.)

Order of court.

STATE OF LOUISIANA, *parish of Madison:*

Having read and considered the petition and account of Stephen Douglas, testamentary executor of the succession of James S. Douglas, and having given due, legal and public notice of said account, and there *and there* being no objection to said account, and having received the advice of the counsel for the absent heirs of said succession thereon; and it appearing that there is a balance on said account of fifty-three thousand one hundred and fifty $\frac{42}{100}$ dollars, jointly due to the said executor from said succession. It is therefore, by reason of the law and the evidence, ordered, adjudged, and decieed, that the said account be approved, and that the said Stephen Douglas have judgment against the succession of James S. Douglas, for the said sum of *fifty-three thousand one hundred and* fifty-three thousand one hundred and fifty $\frac{42}{100}$ dollars, with interest from this day. And it appearing that the absent heirs of said succession have not appeared nor claimed their rights, it is therefore further ordered, that the said Stephen Douglas be continued in the executorship of said succession, upon his giving security according to law.

Done and signed in open court, this twenty-fifth day of October, A. D. eighteen hundred and thirty-nine.

RICHARD CHARLES DOWNES, *P. judge.*

STATE OF LOUISIANA, *parish of Madison:*

To the honorable Richard C. Downes, judge of the court of probates for the parish of Madison, State of Louisiana.

The petition of Stephen Douglas, testamentary executor of James S. Douglas, deceased, late of this parish, respectfully shews to your

honor, the succession of James S. Douglas is indebted to your petitioner in the sum of $53,150 $\frac{42}{100}$, fifty-three thousand one hundred and fifty $\frac{42}{100}$ dollars. Wherefore he prays that your honor may order the sale of the following property, in satisfaction of said judgment, in favor of your petitioner, viz:

Eight hundred acres of land, situate on lake Saint Joseph, in township 13, range 13 east, section 21, being 640. Also, 160 acres in township 13, range 13 east; lots Nos. 2 and 3, of section 44. Also 16 slaves, (sixteen slaves,) five mules and horses; two yoke of oxen, dwelling and gin, and the present crop of cotton and corn. He prays that the same be sold to satisfy the judgment in his favor, after due and legal advertisement of the same, and for general relief.

STEPHEN DOUGLASS.

Filed October 29th, 1839.

STATE OF LOUISIANA, *parish of Madison:*

To the honorable Richard Charles Downes, judge of the court of probates for the parish of Madison, State of Louisiana.

Emeline Douglas, of the State of Mississippi, Claiborne county, in behalf of herself and minor children, comes into court and respectfully represents to your honor, that she is the surviving widow of James S. Douglas, deceased, who died in this parish (Madison) November, 1837, leaving Stephen Douglas, his brother, testamentary executor; that she is the mother of four children, legal heirs of James S. Douglas, deceased, viz: Sally Douglas, John Vertner Douglas, George Douglas, and James S. Douglas, all of whom are living. That she claims the rights of a surviving wife and partner in community. Wherefore she prays that this honorable court will grant her a hearing, and that she may be permitted to make proof of the allegations herein contained, and that after your honor shall be satisfied thereof in conformity with law, that she may be acknowledged and recognized by this honorable court as the surviving wife and partner in community of James S. Douglas, deceased; further prays, that the children aforementioned may also be acknowledged and recognized as the legitimate children and legal heirs of James S. Douglas, deceased; she further prays, that she may be confirmed in the tutorship of her minor children aforementioned, that she may receive letters of tutorship, that an under tutor may be appointed unto them; she represents that the succession is largely indebted as appears from the account of, and rendered by, Stephen Douglas, testamentary executor. Wherefore, she prays that after she shall have been acknowledged by your honor as surviving widow and partner in community of James S. Douglas, deceased, and after her four children, Sally, John Vertner, George, and James S. Douglas aforesaid, shall have been acknowledged and recognized as the legitimate children and lawful heirs of James S. Douglas, deceased; and after she shall have received letters confirming her a natural tutrix in their tutorship, and an under tutor appointed, after due

and legal proceedings had, that a family meeting may be called to advise concerning a sale of a part of the property of the succession, to meet the payment of the debts, and to advise concerning the interests of the minors generally. That your honor may homologate, adjudge, and cause to be executed whatever the said family meeting may advise and determine; she prays for all such further and necessary orders as the case may require, and for general relief.

EMELINE DOUGLAS.

Filed October 31st, 1839.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered, that on this thirty-first day of October, A. D. eighteen hundred and thirty-nine, before me, Richard Charles Downes, parish judge in and for said State and parish, personally came and appeared Stephen Douglas, a resident of this parish, and brother of James S. Douglas, deceased, who being sworn on the Holy Bible, deposed and said, that he was present at the marriage of his said brother James S. Douglas, deceased, with Emeline Evans, and that Sally, John Vertner, George, and James S. Douglas, minor children of said Emeline Douglas, are all legitimate offsprings of said marriage. STEPHEN DOUGLASS.

Sworn to, and subscribed to, on the 31st day of October, 1839, before me,

RICHARD CHARLES DOWNES, *P. judge.*

Filed October 31st, 1839.

Court of probates.

STATE OF LOUISIANA, *parish of Madison:*

Having read and considered the foregoing petition of Emeline Douglas, and received proof of the marriage of said Emeline with James S. Douglas, deceased, and of the legitimacy of their offspring, the minors Sally, John Vertner, George, and James S. Douglas, it is therefore, and by reason of the law and the evidence, ordered and decreed, that the said Emeline Douglas be acknowlodged and recognized as the surviving wife and partner in community of said James S. Douglas, deceased, and that the said minors, Sally, John Vertner, George, and James S. Douglas, her children, be acknowledged and recognized as the legitimate children and legal heirs of James S. Douglas, deceased; and it is further ordered, that Emeline Douglass be confirmed in the tutorship, and that Archibald Douglas be appointed under tutor to the said minors. And it is further ordered and decreed, that a family meeting be convoked this day, before the judge of this court in capacity of notary public, to be composed of Jessee Stanbrough, David Stanborough, James Monette, Robert M. Scott, and Thomas B. Scott, friends of said minors, to deliberate and advise touching the interests of said minors generally, and particularly concerning a sale of a part of the real estate and slaves belonging to the succession of

James S. Douglass, deceased, to meet and satisfy the debts of said succession.

Done and signed in open court, this thirty-first day of October, A. D. eighteen hundred and thirty-nine.

RICHARD CHARLES DOWNE,
Parish judge.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered that, on this 31st day of October, A. D. eighteen hundred and thirty-nine, before me, Richard Charles Downes, parish judge in and for said State and parish, personally came and appeared Mrs. Emeline Douglass, widow of James S. Douglass, deceased, who being first sworn on the Holy Bible according to law, took and subscribed the following oath, viz:

I, Emeline Douglass, do solemnly swear, that I will well and faithfully fulfil the trust reposed in me as tutrix of my minor children, Sally, John Vertner, George, and James S. Douglas. So help me God.

EMELINE DOUGLASS.

Sworn to and subscribed, on the 31st day of October, A. D. 1839, before me,

RICHARD CHARLES DOWNES,
Parish judge.

Filed October 31st, 1839.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered that, on this thirty-first day of October, A. D. eighteen hundred and thirty-nine, before me, Richard Charles Downes, parish judge in and for said State and parish, personally appeared said Archibald Douglass, who, being sworn on the Holy Bible, took and subscribed the following oath, viz:

I, Archibald Douglass, do solemnly swear, that I will well and faithfully fulfil the trust reposed in me as under tutor to the minors Sally, John Vertner, George, and James S. Douglass, children and heirs of James S. Douglass, deceased. So help me God.

ARCHIBALD DOUGLASS.

Sworn to and subscribed, on the 31st day of October, A. D. 1839, before me,

RICHARD CHARLES DOWNES,
P. judge.

Filed October 31st, 1839.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered that, on this thirty-first day of October, A. D. eighteen hundred and thirty-nine, before me, Richard Charles Downes, parish judge in and for said parish, personally came and appeared Jesse Stanborough, David Stanborough, James Monette, Robert M. Scott, and Thomas B. Scott, duly appointed members of

a family meeting convoked by order of the court of probates of said parish, to deliberate and advise touching the interests of the minors Sally, John Vertner, George, and James S. Douglass, heirs of James S. Douglass, deceased, each of whom being duly sworn on the Holy Bible, took and subscribed the following oath, viz:

I do solemnly swear, that I will give my advice according to the best of my knowledge, touching the interests of the minors Sally, John Vertner, George, and James S. Douglas, deceased. So help me God.

JESSE STORNBROUGH,
DAVID STORNBROUGH,
JAMES MONETTE,
R. M. SCOTT,
T. B. SCOTT.

Sworn to and subscribed, on this 31st day of October, A. D. 1839, before me,

RICH'D CHARLES DOWNES,
P. judge.

Filed October 31st, 1839.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered that, on this thirty-first day of October, A. D. eighteen hundred and thirty-nine, before me, Richard Charles Downes, parish judge and ex-officio notary public in and for said State and parish, personally came and appeared Jesse *Jesse* Stornbrough, David Stanbrough, James Monette, Robert M. Scott, and Thomas B. Scott, duly appointed and sworn members of a family meeting convoked by order of the court of probates of said parish, to deliberate and advise touching the interests of the minors Sally, John Vertner, George, and James S. Douglas, children and heirs of S. Douglas, deceased; and also personally appeared before me, the said judge, ex-officio notary, Archibald Douglas, duly appointed and sworn under tutor to the said minors; all the said appraisers being residents of this parish. And the said family meeting having read and considered the petition of Mrs. Emeline Douglas, tutrix of said minors, they proceeded to the consideration of the matters submitted to them; and having duly considered and deliberated on the premises, each of the members of said family meeting said and declared it is his opinion, and advice, and recommendation, that it is necessary, expedient, and greatly to the interest of said minors Sally, John Vertner, George, and James S. Douglas, that a part or portion of the real estate and slaves belonging to them as heirs of James S. Douglas, deceased, to wit: the plantation and slaves thereunto attached, and also the cattle and implements of husbandry thereon, situate at the head of Lake St. Joseph in this parish, be sold to satisfy and discharge the debt of said succession, and particularly to satisfy the balance due Stephen Douglas, testamentary executor of James S. Douglas, deceased, to wit, the sum of fifty-

three thousand one hundred and fifty $\frac{43}{100}$ dollars; and the said Archibald Douglas, under tutor as aforesaid, declared that [he] approves the said foregoing advice.

In testimony of all which, the members *the members* of the said family meeting and under tutor have hereunto subscribed their names, in the presence of John S. Williamson and Jacob C. Seale, competent witnesses, who also sign with said appraisers, and me, judge and notary.

JESSE STANBROUGH,
DAVID STANBROUGH,
JAMES MONETTE,
R. M. SCOTT,
T. B. SCOTT.

JOHN S. WILLIAMSON,
JACOB C. SEALE.

RICH'D CHARLES DOWNES,
Parish judge.

Filed October 31st, 1839.

Court of probates.

STATE OF LOUISIANA, *parish of Madison:*

By reason of the law it is ordered and decreed, that the proceedings of the family meeting, held to advise touching the interest of the minor children of James S. Douglas, deceased, be homologated; and it is further ordered, that a sale of the property belonging to said minors, in partnership with Stephen Douglass, be authorized, in pursuance of, and in conformity with, the advice of said family meeting, and agreeably to the petition of the said Stephen Douglass, testamentary executor of J. S. Douglas, deceased.

Done and signed in open court, this twenty-seventh day of November, A. D. 1839.

RICHARD CHARLES DOWNES,
Parish judge.

STATE OF LOUISIANA, *parish of Madison:*

I do solemnly swear that I will well and truly appraise, and justly estimate the value of all the property belonging to the succession of James S. Douglas, deceased, in partnership with Stephen Douglas, which is situated at the head of Lake St. Joseph, according to the best of my abilities and understanding, agreeably to law. So help me God.

JA. G. GORDON,
JOS. H. MOORE.

Sworn to and subscribed, on this twenty-third day of March, A. D. 1840, before me,

RICHARD CHAS. DOWNES,
P. judge.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered that, on this twenty-third day of March, A. D. 1840, I, Richard Charles Downes, parish judge and ex-officio notary public in and for the said State and parish, assisted by Joseph H. Moore and James G. Gordon, freeholders of this parish, duly appointed and sworn appraisers, in pursuance of the witnesses hereinafter named and undersigned, proceeded to the head of Lake St. Joseph in this parish, and make the following inventory and appraisement of the property belonging to the said succession of James S. Douglas, deceased, in partnership with Stephen Douglas, which is situate at the head of Lake St. Joseph's, in the said parish, viz:

The plantation at the head of Lake St. Joseph, composed of section No. twenty-one, of township No. thirteen, range No. twelve east, and lots Nos. two and three of township number thirteen, of range No. thirteen east, containing in all seven hundred and ninety-nine $\frac{90}{100}$ acres, appraised as follows, viz: The section No. 21, containing six hundred and forty acres, appraised at $25 an acre, $16,000 00, and the lots Nos. 2 and 3, appraised at $5 an acre, containing one hundred and fifty-nine $\frac{20}{100}$ acres, $796 00—total of lands, $16,796.

The negro slaves Carter, a man aged 37 years, appraised at seven hundred dollars, $700 00 - - -	$700 00
Ellick, a man, aged 40, appraised at - - -	700 00
Sipion, a man, aged 50, appraised at - - -	300 00
Mark, a man, aged 20, appraised at - - -	800 00
Jack, a man, aged 25, appraised at - - -	700 00
George, a man, aged 17 years, appraised at - -	700 00
John, a boy, aged ten years, appraised at - -	400 00
The negro woman Caroline, aged 18 years, and her child, aged one year, appraised at $750 - -	750 00
Mary, a girl, aged 15, appraised at $600 - -	600 00
Judith, a woman, aged 40 years, appraised at - -	450 00
Mary, a woman, aged 50 years, appraised at $100 -	100 00
Maria, a woman, aged 25, and her child, an infant -	700 00
Kesiah, a woman, aged 35, appraised at - -	500 00
Harriet, a girl, aged eight years, appraised at - -	250 00
Tom, a boy, aged about four years, appraised at -	150 00
Four horses, appraised at fifty dollars each - -	200 00
Five hundred bushels of corn, appraised at fifty cents a bushel - - - - - - -	250 00
The farming utensils, the household and kitchen furniture, appraised at one hundred dollars - -	100 00
And finished the said inventory and appraisement, the total amount of which is - - - -	25,346 00

Twenty-five thousand three hundred and forty-six dollars. I have closed the same at the place and on the day first above written, in

presence of Archibald Douglass and James Barnett, witnesses, aged about twenty-one years, residing in this parish, who sign with the appraisers, and me, the Judge.

JAS. G. GORDON,
JOS. H. MOORE.

ARCHIBALD DOUGLAS,
JAMES BARNETT.

RICHARD CHARLES DOWNES,
Parish Judge.

Filed March 25, 1839.

Notice of sale.—Probate sale.

THE STATE OF LOUISIANA, *parish of Madison :*

In pursuance of a decree of the court of probates for said parish, will be offered for sale, on the premises, on Monday the 23d day of March next, all the following described property, belonging to the succession of James S. Douglas, in partnership with Stephen Douglas, viz:

Namely, a plantation containing eight hundred acres, more or less, situate in this parish, and lying at the head of Lake St. Joseph. Sixteen negro slaves for life, and the stock of cattle, horses and farming utensils, belonging to said plantation. Terms of sale, cash. Witness the signature of the judge and seal of said court, this twentieth day of February, A. D. eighteen hundred and forty.

RICHARD CHAS. DOWNES, [L. S.]
Parish Judge.

Filed March 25th, 1840.

Process verbal of sale.

STATE OF LOUISIANA, *parish of Madison :*

Be it remembered, that on this twenty-third day of March, A. D. eighteen hundred and forty, I, Richard Charles Downes, parish judge of said parish, in pursuance of a decree of the court of probate of said parish, proceeded at the plantation, situate at the head of Lake Saint Joseph, in said parish, belonging to the succession of James S. Douglass, in partnership with Stephen Douglas, to make sales of the following described property, belonging to said succession, in parnership with Stephen Douglas as aforesaid, viz: The plantation at the head of Lake St. Joseph in this parish, composed of section No. twenty-one, of township No. thirteen, range No. twelve east, and lots number two and three, of township No. thirteen, range No. thirteeen, east, containing *containing* in all seven hundred and ninety-nine $\frac{20}{100}$ acres. And the following named slaves, attached to and employed on said plantation, viz: Carter, a man, aged thirty-seven years ; Ellick, a man, aged forty

years; Sepion, a man, aged fifty years; Mark, a man, aged twenty years; Jack, a man, aged twenty-five years; George, a man, aged seventeen years; John, a boy, ten years; Caroline, a woman, aged eighteen, and her child, aged one year; Mary, a girl, aged fifteen years; Judith, a woman, aged forty years; Mary, a woman, aged fifty years; Maria, a woman, aged twenty-five years, and her child, an infant; Kesiah, a woman, aged thirty-five years; Harriet, a girl, aged eight years; Tom, a boy, aged four years. Also the following moveables belonging to said plantation, viz: four horses, four mules, five hundred bushels of corn, and the farming utensils, household and kitchen furniture. Whereupon, Mrs. Emeline Douglass and Archibald Douglas became the purchasers of all the foregoing described property, at and for the price or sum of twenty-five thousand three hundred and fifty dollars, that being the last and highest bid made for all the said property together collectively, as aforesaid; and I, the said judge, publicly struck off and adjudicated all the said property, &c., to the said Emeline Douglas and Archibald Douglas, at and for the said price or sum of twenty-five thousand three hundred and fifty dollars. The said property having been previously regularly and legally advertised for sale, on this day, for cash. And I, the said judge, having also, at the time of sale, publicly declared the terms of sale. In testimony of all which, I, the said judge, have hereunto subscribed my name officially to this process verbal, on the day and date first above written, in the presence of Joseph H. Moore and Gabriel House, witnesses residing in this parish, who were present at the sale aforesaid.

RICHARD CHARLES DOWNES,
Parish Judge.

JAMES H. MOORE,
GABRIEL HOUSE.

Filed March 25th, 1840.

Petition of Mrs. E. Douglass that claim be allowed.

STATE OF LOUISIANA, *parish of Madison.*

To the honorable Richard Charles Downes, judge of the court of probates, for the parish of Madison, Louisiana. The petition of Mrs. Emeline Douglass, of the county of Claiborne, State of Mississippi, respectfully shews and represents, that the succession of James S. Douglas, deceased, which was opened in this parish, is indebted to her in the sum of seventy-six thousand six hundred and thirty-four dollars and seventy-four cents; that the same is for notes and bills of exchange, drawn by James S. Douglass, deceased, to various persons of which she is now the legal and bona fide holder and owner as follows.

One bill of exchange on Bogart and Hoopes for seven thousand dollars. Protest $4	$7004 00
1 do. on James S. Douglas, accepted	8,540 00
1 note on Stephen Douglas, ten thousand seven hundred and fifty dollars. Prot. $3	10,753 00
One note to Grand Gulf Bank, for ten thousand dollars; costs of protest $2 50	10,002 50
One note to Planters' Bank, for six thousand dollars	6,000 00
One note to James H. Moore, & Co., for five thousand dollars; costs of protest, $2	5,002 00
One note to H. & H. O. Anderson, for four thousand seven hundred and ninety-two dollars; costs of protest $2 50	4,794 50
One note to ditto, for four thousand three hundred and ninety-eight dollars; protest, $2	4,400 00
One note to the Grand Gulf Bank for three thousand dollars	3,600 00
	$60,096 00
One note to the Planters' Bank, for three thousand dollars	3,000 00
One note to the Grand Gulf Bank, for twenty-seven hundred dollars; costs of protest, $2	2,702 50
1 note ditto, for twenty hundred and eighty-six dollars; costs of protest, $2 50	2,088 50
One note to Planters' Bank, for twenty hundred dollars	2,000 00
One note ditto, sixteen hundred and forty dollars $\frac{18}{100}$	1,640 18
One note ditto, for fourteen hundred and ninety eight $\frac{48}{100}$ dollars	1,498 48
One note to James H. Moore & Co., for eleven hundred and ninety $\frac{46}{100}$ dollars; protest, $3 00	1,123 46
One note to Parkington & Serin, for eleven hundred and four dollars; protest, $2	1,106 00
One note to Planters' Bank, for one thousand $	1,000 00
One note to Summers & Watt, for three hundred and seventy-seven $\frac{12}{100}$ dollars; protest, $2 50	379 62
Amounting as aforesaid,	$76,634 74

To seventy-six thousand six hundred and thirty four $\frac{74}{100}$ dollars as aforesaid.

Your petitioner represents that the said claims as above specified have been presented to Stephen Douglass, testamentary executor of

the succession of James S. Douglass, deceased, who has acknowledged the same. Wherefore, your petitioner prays, that your honor will approve the said claims, and order the same to ranked among the acknowledged debts of the succession of James S. Douglass, and that the property of said succession may be sold to a sufficient amount to satisfy such judgment as your honor may render, and for general relief.

JAMES M. DOWNES,
Att'y for petitioner.

(Filed April 1st, 1840.)

Order—Court of Probates.

STATE OF LOUISIANA, *parish of Madison:*

Having read and considered the foregoing petition of Emeline Douglass, and having duly examined all the notes and claims of which she alleges she is the owner and holder as set forth in her petition, and it appearing to the satisfaction of the court, that all the said claims are legitimate and just debts of the succession of James S. Douglas, deceased, and that they are all acknowledged by Stephen Douglass, testamentary executor of said succession, and that they are all now due: it is therefore, and by reason of the law, ordered, adjudged, and decreed, that all said claims be approved, and be ranked among the acknowledged debts of said succession. And it is further ordered and decreed, that Emeline Douglass have judgment against the succession of James S. Douglas for the sum of seventy-six thousand six hundred and thirty-four $\frac{72}{100}$ dollars, the amount of the said claims, with interest at five per cent. per annum thereon from this date.

Done and signed in open court, this first day of April, A. D. eighteen hundred and forty.

RICHARD CHARLES DOWNES,
Parish judge.

Petition of Mrs. Douglas for family meeting.

STATE OF LOUISIANA, *parish of Madison:*

To the honorable Richard Charles Downes, judge of the court of probates of the parish of Madison, Louisiana:

The petition of Mrs. Emeline Douglass, resident of the county of Clairborne, State of Mississippi, natural tutrix duly appointed to the minor children of James S. Douglas, dec'd, duly recognized by your honor, respectfully represents: that the succession of James S. Douglass has never been accepted in favor of his minor heirs; that the succession is, from the testamentary executor's showing, and from a judgment in favor of your petitioner, largely indebted; wherefore she prays that your honor will order that a family meeting be convoked, to advise and determine if the succession of James S. Douglas shall be accepted by your petitioner, with benefit of inventory, in

favor of the minors, heirs of James S. Douglass, deceased; and further, to advise if it is to the benefit of the minor heirs, if there shall be a partition of the property owned jointly with Stephen Douglass and the said minor heirs of James S. Douglass, and to advise touching the interest of said minors generally, and for all necessary relief.

JAMES M. DOWNES,
Att'y for petitioner.

Filed April 7th, 1840.

Order—Court of Probates.

STATE OF LOUISIANA, *parish of Madison:*

It is ordered by the court, that a family meeting be convoked and held this day before the judge of this court in his capacity of notary public, to be composed of Joseph H. Moore, Jesse Stanbrough, James Monette, Robert M. Scott and Thomas B. Scott, residents of this parish, and friends of the family of James S. Douglass, deceased, to advise touching the interests of the minors, Sally, John Vertner, George and James S. Douglass, children and heirs of James S. Douglass, deceased, and particularly to advise whether the succession of James S. Douglass shall be accepted on behalf of said minors, with benefit of inventory, by their tutorix Mrs. Emeline Douglass, and further to advise whether it is to the interest of said minors that a partition be made of the property of the succession of James S. Douglass in partnership with Stephen Douglass. And it is further ordered, that Archibald Douglass, under tutor to said minors, be also present at said meeting.

Done and signed in open court, this seventh day of April, A. D. eighteen hundred and forty.

RICHARD CHARLES DOWNES, *P. judge.*

Oath of family meeting.

STATE OF LOUISIANA, *parish of Madison:*

On this seventh day of April, A. D. eighteen hundred and forty, before me, Richard Charles Downes, parish judge, and ex-officio notary public, in and for said State and parish, personally appeared Joseph H. Moore, James Monette, Jesse Stanbrough, Robert M. Scott, and Thomas B. Scott, members of a family meeting, friends of the minors Sally, John Veitner, George and James S. Douglass, deceased, convoked by the order of the court of probates of said parish, to advise touching the interests of said minors, and particularly to advise whether the succession of James S. Douglass, deceased, shall be acccepted on behalf of said minors, with benefit of inventory by their tutrix Emeline Douglass; and further to advise whether it is to the interest of said minors, that a partition be made of the property of the succession of James S. Douglass, in partnership with Stephen Douglass; each of said members being

first sworn on the Holy Bible, took and subscribed the following oath, viz:

I do solemnly swear, that I will give my advice, according to the best of my knowledge, touching the interests of the minors Sally, John Vertner, George and James S. Douglass, so help me God.

T. B. SCOTT,
R. M. SCOTT,
JOS. H. MOORE,
JESSE STANBROUGH,
JAS. MONETTE.

Sworn to and subscribed, on this 7th day of April, A. D. 1840, before me—(filed 7th April, 1840.)

RICH'D CHARLES DOWNES, *P. judge.*

Process verbal of family meeting.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered, that on this seventh day of April, A. D. eighteen hundred and forty, before me, Richard Charles Downes, parish judge, and ex-officio notary public, in and for said State and parish, personally appeared Joseph H. Moore, Jesse Stanbrough, Robert M. Scott, Thomas B. Scott, and James Monette, friends of the family of James S. Douglass, deceased, all residing in this parish, convoked by the order of the court of probates of said parish, to advise touching the interests of the minors Sally, John Vertner, George and James S Douglass, children and heirs of said James S. Douglass, deceased. All the said members being first sworn on the Holy Bible, proceeded to advise and deliberate on the matters submitted to them, viz: Whether it is to the interest of said minors, that the succession of James S. Douglass, deceased, be accepted on behalf of said minors, with benefit of inventory by their tutrix Emeline Douglass; and whether it is to the interest of said minors, that a partition be made of the property of the succession of James S. Douglass, in partnership with Stephen Douglass; and the members of the said family meeting, having deliberated, consulted, and advised in the premises, unanimously advised and recommended, and do give this as their unanimous advice and recommendation, viz: That it is to the interest of said minors that the succession of James S. Douglass be accepted on behalf of said minors, by their tutrix, with benefit of inventory, and that she, the said tutrix, be authorized to accept said succession; and further, that it is to the interest of said minors, that a partition be made by sale of the property of the succession of James S. Douglass, in partnership with Stephen Douglass; and that Mrs. Emeline Douglass, tutrix of said minors, be authorized to institute and prosecute a writ of partition, by sale as aforesaid.

And to these presents, at the same time, also personally appeared Archibald Douglass, under tutor to said minors, who declared

that he appoves of the said foregoing advice of the members of said family meeting, and that he advises and recommends the adoption thereof.

In testimony of all which, I have caused the said members of said family meeting, and the said under tutor, to sign the said process verbal in presence of each other, and in presence of James M. Downes and William E. Walker, competent witnesses, who also sign with them, and me, the judge, acting as notary.

J. H. MOORE,
T. B. SCOTT,
R. M. SCOTT,
JAMES MONETTE,
JESSE STANBROUGH,
ARCHIBALD DOUGLASS, *Under tutor.*
W. E. WALKER,
JAMES M. DOWNES,
RICHARD CHARLES DOWNES,
Parish judge.

Filed April 7th 1840.

STATE OF LOUISIANA, *parish of Madison:*

To the honorable Richard Charles Downes, judge of the court of probates for the parish of Madison, State of Louisiana:

The petition of Mrs. Emeline Douglass, tutrix by nature, confirmed in the tutorship by your honor, of the minor heirs of James S. Douglass, deceased, recognized by your honor, resident in the county of Claiborne, State of Mississippi, respectfully represents, that in pursuance of the advice and recommendations of a family meeting, duly convoked to deliberate, if the succession of James S. Douglass should be accepted in behalf of the minor heirs of James S. Douglass, with benefit of inventory, if the property owned jointly by the said minors and Stephen Douglass should be divided, and of matters pertaining to the interests of the minors generally; that she has been advised by the said family meeting to accept of the succession of James S. Douglass, in favor of said minors, with benefit of inventory; and further, that she commenced and conducted a suit against Stephen Douglass, joint owner, for a partition to be effected by sale of the whole of the property belonging to the heirs of James S. Douglass, deceased, and Stephen Douglass. Wherefore she prays that your honor may homologate the proceedings of the said family meeting, and especially authorize and empower your petitioner, tutrix, to accept the succession of James S. Douglass, in favor of the minors aforesaid, as advised by the family meeting; and also especially authorize and empower your petitioner, as tutrix aforesaid, to institute and conduct a suit against Stephen Douglass, for a partition, by sale, of the property owned by the minors of James S. Douglass, deceased, and Stephen Douglass aforesaid. She prays all necessary orders and general relief.

JAMES M. DOWNES,
Att'y for petitioner.

Filed April 7th, 1840.

Order.—Court of probates.

STATE OF LOUISIANA, *parish of Madison:*

Let the prayer of the petitioner, Mrs. Emeline Douglass, be granted as prayed for in the petition, and the petitioner be authorized and empowered to accept the succession of James S. Douglass, deceased, on behalf of the minors Sally, John Vertner, George and James S. Douglass, with benefit of inventory; and it is further ordered, that said Emeline Douglass, tutrix of said minors, be especially authorized and empowered to institute and prosecute a suit against Stephen Douglass for a partition, by sale, of property belonging to the succession of James S. Douglass, deceased, in partnership with Stephen Douglass.

Done and signed in open court, this 7th day of April, A. D. eighteen hundred and forty.

RICHARD CHARLES DOWNES,
Parish Judge.

Acceptance on behalf of minor heirs.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered, that on this ninth day of April, A. D. eighteen hundred and forty, before me, Richard Charles Downes, parish judge and ex-officio notary public in and for said State and parish, personally appeared Mrs. Emeline Douglass, widow of James S. Douglass, deceased, and tutrix to the minors Sally, John Vertner, George and James S. Douglass, children and heirs of James S Douglass, deceased, who declared that, whereas, in pursuance of the advice and recommendation of a family meeting, and the authorization of the parish judge of said parish, she has been authorised to accept the succession of James S. Douglass, deceased, on behalf of the said minors, with benefit of inventory. Now, therefore, she does hereby accept, with benefit of inventory, on behalf of said minors, the succession of James S. Douglass, deceased.

Done and performed, and signed, in my office, on the day and date first above written, in presence of James M. Downes and Robert M. Scott, competent witnesses, who sign with the said appraiser, and me, the judge and notary.

EMELINE DOUGLASS,
RICHARD CHARLES DOWNES,
Parish Judge.

JAMES M. DOWNES,
R. M. SCOTT.

Filed, April 7th, 1840.

Petition.

STATE OF LOUISIANA, *parish of Madison:*

To the honorable Richard C. Downes, judge of the court of probates for the parish of Madison, State of Louisiana.

The petition of Mrs. Emeline Douglass, tutrix by nature, duly confirmed in the tutorship by your honor, of the minors of James

S. Douglass, deceased, viz: Sally, John Vertner, George and James S. Douglass, duly recognized by your honor, residents of the county of Clairborne, State of Mississippi, respectfully represents: that she has duly accepted the succession of James S. Douglass, on behalf of said minors, with benefit of inventory; that, in pursuance of the advice of a family meeting, and yonr honor's special authorization, she has been instructed to institute and conduct a suit against Stephen Douglass of this parish, joint owners with the minors aforesaid for a partition in a judicial definitive division of the property of the said minors and Stephen Douglass, and that the same be made by a sale of the property; all of which will appear by reference to the procedure and matters in the succession of James S. Douglass. Whereupon your petitioner, as tutrix aforesaid, in pursuance of said advice of said family meeting, and the authorization of your honor to conduct this suit, prays that Stephen Douglass may be duly cited to answer this demand for a partition or division by sale of the said property owned jointly by the minors aforesaid, viz: one-half of said property consisting of *of* lands, negroes, &c., &c.; that he shew cause why the partition of the property should not be made in order to effect said petition. She further prays that a family meeting may be convoked to advise upon what terms the property belonging to the minors aforesaid shall be sold, &c., &c.; after all due proceedings had, that the property be sold after due and legal formalities upon such terms as the family meeting shall recommend, and for general relief.

JAMES M. DOWNES, *Att'y for Petr.*

Court of Probates.

STATE OF LOUISIANA, *parish of Madison:*

It is ordered by the court, a family meeting be convoked before the judge of this court, to-day, in his capacity of notary public, to be composed of Joseph H. Moore, James Monette, Robert M. Scott, Thomas B. Scott, Woodson McMurtey, and G. W. Tarkington, friends of the family of James S. Douglass, deceased, to advise touching the interests of the minors, Sally, John Vertner, George and James S. Douglass, children of James S. Douglass, deceased; and particularly to advise how and upon what terms the real estate, lands and slaves, belonging to the said minors jointly, with Stephen Douglass, shall be sold in order to effect the definitive partition.

Done and signed in open court, this 20th day of April, A. D. 1840. RICHARD CHARLES DOWNES,

Filed April 20th, 1840. *P. Judge.*

Family meeting's oath.

STATE OF LOUISIANA, *parish of Madison:*

I do solemnly swear that I will well and faithfully give my advice, according [to law,] to the best of my knowledge, touching

the interests of the minors Sally, John Vertner, George and James S. Douglass, children and heirs of James S. Douglass, deceased, so help me God.

JOS. MONETTE,
JAS. H. MOORE,
WOODSON McMURTEY,
G. W. TURPINGTON,
T. B. SCOTT,
R. M. SCOTT.

Sworn to and subscribed, on the 20th day of April, A. D. 1840, before me,

RICH'D CHARLES DOWNES,
Parish Judge.

Filed April 20th, 1840.

Process verbal of F. meeting.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered that, on this 20th day of April, A. D. 1840, before me, R'd Chas. Downes, parish judge and ex-office notary public in and for said parish, personally appeared Joseph H. Moore, Robert M. Scott, Thomas B. Scott, James Monette, and George W. Tarkington, and Woodson McMurtey, friends of the family of James S. Douglass, deceased, forming a family meeting, convoked to advise touching the interests of the minor children of said James S. Douglass, deceased, and particularly to advise the terms on which the interests of said minors, in the real estate, lands and slaves, belonging to the succession of James S. Douglass, deceased, should be sold. All the members of said family meeting residing in this parish, and the members of said family meeting having been first sworn, proceeded to advice touching the said matter which I submitted to them; and having deliberated, consulted, and advised in the premises, proceeded to give the following as their unanimous advice and recommendation, viz: that all the right, interest, and property belonging to the minor heirs of James S. Douglass, dec'd, in and to the succession of said James S. Douglass, deceased, be sold for cash; because they say, because they believe, unanimously, that it is to the interest and particular advantage of said minors, viz: Sally, John Vertner, & James S. Douglass, and George Douglass, that their property in the succession of James S. Douglass, deceased, be sold for cash, in order to pay the debts of said succession, and effect by definitive partition of said succession from the property of Stephen Douglass, in joint ownership with the said minors. And to these presents also appeared Archibald Douglass, under tutor to said minors, who declared that he approves of the said foregoing advice and recommendation, and advices that the same be homolgated and approved.

Done at my office, in the parish of Madison, on the day and date first above written, in the presence of Robert Dunbar and James M.

Downes, witnesses. In testimony of all which I have caused all the members of the said family meeting, and under tutor, to subscribe this process verbal in presence of each other, and of the said witnesses.

JAS. H. MOORE,
JAS. MONETTE,
R. M. SCOTT,
WOODSON McMURTEY,
G. W. TARKINGTON,
T. B. SCOTT,
ARCHIBALD DOUGLASS,
Under Tutor.
R. DUNBAR,
JAMES MARSH DOWNES,

Filed April 20, 1840.

RICH'D CHARLES DOWNES, *P. J.*

Answer.

STATE OF LOUISIANA, *parish of Madison:*

Court of Probates.—Hon'ble. R. C. Downes, judge.—Matters pertaining to the succession of James S. Douglas.

EMELINE DOUGLASS, tutrix,
vs.
STEPHEN DOUGLASS.

Stephen Douglas, the defendant in the above entitled suit, resident of the parish of Madison, State of Louisiana, comes into court, and for answer to the above entitled suit, says that he waives service of a copy of petition and citation, and all exceptions thereto, and for answer thereto admits that minors of James S. Douglas, deceased, viz., Sally, John Vertner, George and James S. Douglass are the joint owners of the one-half of the property they claim and sue for, and which comprises the property which was inventoried as the property of the succession of James S. Douglass, now in possession of this respondent. That he has no cause to shew why a partition of the property by sale should not be made, as he deems it impracticable for a partition to be made advantageously otherwise.

He therefore admits the claim of said minors as set forth in said petition; assents to the sale of the whole in order to effect a division, and demands that his undivided half of said property may be sold for cash. Wherefore he prays the prayer of petitioner be granted, and that a sale be made after due formalities, &c.

STEPHEN DOUGLAS.

Filed, April 20, 1840.

Motion for homologation.

STATE OF LOUISIANA, *parish of Madison:*

To the honorable Richard Charles Downes, judge of the court of probates for the parish of Madison.

Emeline Douglass, natural tutrix, duly confirmed by your honor in the tutorship of the minors Sally, John Vertner, George and James S. Douglass, duly recognized by your honor, residents of the county of Claiborne, State of Mississippi, comes into court, and represents, that in pursuance of the advice of a family meeting, and the authorization of your honor, she has accepted the succession of James S. Douglas, deceased, on behalf of the minors aforesaid, with benefit of inventory; that in pursuance of the further advice of the family and your honor's authorization, she has instituted suit for a partition of the property owned jointly by the minors aforesaid and Stephen Douglass.

That the said Stephen Douglass has answered thereto, and admits the claim as set forth in your petitioner's petition, and assents to a sale. That a family meeting has advised the sale of the whole of said property, comprised in the succession of James S. Douglass, deceased, for cash, in order to pay the debts of said succession, and effect a judicial definitive partition; wherefore she prays that the proceedings of the family meeting, advising the sale for cash, may be homologated, and that your honor order the sale of the property as recommended.

JAMES M. DOWNES,
Atty. for petitioner.

Filed 20th April, 1840.

Order.

STATE OF LOUISIANA, *parish of Madison:*

Court of Probates, Wednesday, April 22, A. D. 1840.

The court having considered the foregoing petition of Emeline Douglass, tutrix, &c., and the answer of Stephen Douglass thereto, and it appearing to the satisfaction of the court, that the prayer of the petitioner should be granted, it is, therefore, by reason of the law, civil code, article 1,235, ordered, adjudged, and decreed that the proceedings of the family meeting, advising the sale of the property of James S. Douglass, deceased, be made for cash, in order to pay the debts of the succession, and to effect a judicial definitive partition or division, be homologated and approved. And it is further ordered and decreed, that the property owned jointly by the heirs of James S. Douglass and Stephen Douglass be sold for cash at public auction, after the usual advertisements, appraisements, &c., in order to effect a judicial definitive partition, &c. &c. Done and signed.

RICHARD CHARLES DOWNES,
P. judge.

April 22, 1840.

Notice of sale.

STATE OF LOUISIANA, *parish of Madison:*

Probate sale.

In pursuance of a decree of the court of probates for said parish, dated the 22d day of April, A. D. 1840, will be offered for sale at the residence of Stephen Douglass, in said parish, on Monday, the 8th day of June, A. D. 1840, all the following described property, viz: all the plantation at present occupied and cultivated by Stephen Douglass, lying on the Mississippi river, in said parish, containing three thousand one hundred and twenty-six acres, more or less, one hundred head of negro slaves for life, and all the stock of horses, cattle, hogs, farming utensils, and household and kitchen furniture, belonging to said plantation; the said property to be sold in order to effect a definitive judicial partition between the heirs of James S. Douglass and Stephen Douglass; terms of sale, cash. Witness the signature of the judge and seal of said court, this fifth day of May, A. D. eighteen hundred and forty.

RICHARD CHARLES DOWNES,
Parish Judge.

Filed June 9th, 1840.

STATE OF LOUISIANA, *parish of Madison:*

Before me, Richard Charles Downes, parish judge of said parish, personally appeared Joseph H. Moore and John Upton, who being sworn on the Holy Bible, took and subscribed the following oath, viz: I do solemnly swear that I will well and truly appraise and justly estimate the value of all the property belonging to the succession of James S. Douglass, jointly with Stephen Douglass, according to the best of my knowledge and understanding, agreeably to law, so help me God.

JOHN UPTON,
JAS. H. MOORE.

Sworn to and subscribed on this 8th day of June, A. D. 1840, before me,

RICHARD CHARLES DOWNES, *P. J.*

Be it remembered, that on this 8th day of June, A. D. eighteen hundred and forty, I, Richard Charles Downes, parish judge and ex officio notary public in and for said parish, assisted by Joseph H. Moore and John Upton, freeholders of said parish, duly appointed and sworn appraisers, at Buckridge, in said parish, in presence of the witnesses hereinafter named and undersigned, proceeded to make the following inventory and appraisement of all the property belonging to the succession of James S. Douglass, and jointly with Stephen Douglass, which is situate in this parish, viz:

A plantation situate in this parish, and fronting on the Mississippi river, called Buckridge, composed of lots Nos. thirteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five; fractional section forty-nine, frac. section fifty-three; north half of northwest quarter of section fifty-nine; fractional section sixty-six; lots one and two of section sixty-seven, and lot one of section sixty-five, all in township No. thirteen, of range No. thirteen east. Also, lot three of section twenty-two, township thirteen, range twelve east, containing in all three thousand three hundred and fifty-six $\frac{46}{100}$ acres, more or less; seven hundred and twenty-five acres of said land being cleared and improved, appraised at forty dollars per acre, $29,000 00, the balance of said land, twenty-six hundred and thirty-one $\frac{46}{100}$ acres, appraised at six dollars per acre - - -	$15,788 76
1. The negro man Bob, aged 42 years, appraised at	550 00
2. John Myers, aged 22 years, appraised at -	650 00
3. Harry, aged 35 years, appraised at - -	750 00
4. Damon, aged 25 years, appraised at - -	650 00
5. Bob Hawkins, aged 52 years, appraised at -	450 00
6. Cuff, aged 32 years, appraised at - -	650 00
7. Fielding, aged 37 years, appraised at - -	700 00
8. Ned Tanner, aged 37 years, appraised at -	650 00
9. Philip, aged 21 years, appraised at - -	650 00
10. Bill Upton, aged 27 years, appraised at - -	650 00
11. Jessee, aged 37 years, appraised at - -	650 00
12. Lewis, aged 17 years, appraised at - -	600 00
13. Lindley, aged 18 years, appraised at - -	600 00
14. Boney, aged 17 years, appraised at - -	500 00
15. Jim, aged 14 years, appraised at - -	400 00
16. Sam, aged 16 years, appraised at - -	500 00
17. Peter, aged 16 years, appraised at - -	350 00
18. Andrew, aged 42 years, appraised at - -	550 00
19. Caleb, aged 6 years, appraised at - -	200 00
20. Ned, aged 16 years, appraised at - -	350 00
21. Aaron, aged 17 years, appraised at - -	450 00
22. Joe, aged twenty-two, appraised at - -	530 00
23. Elijah, aged 13 years, appraised at - -	350 00
24. Bill, aged 10 years, appraised at - - -	250 00
25. Albert, aged 10 years, appraised at - -	350 00
26. Jack, aged 9 years, appraised at - -	250 00
27. Jessee, aged 9 years, appraised at - -	250 00
28. Howard, aged 9 years, appraised at - -	250 00

INVENTORY—Continued.

29. Jim Shields, aged 29 years, appraised at	$550 00
30. Bazil, aged 12 yeais, appraised at	250 00
31. Henriette, aged 42 years, and her child Martha, aged 5 years, appraised at	550 00
32. Mary, aged 22 years, appraised at	500 00
34. Amy, aged 32 years, and her children, Patey, Bush, and Lewis, appraised at	700 00
38. Chaney, aged 28 years, and her child Hampton, aged 6, appraised at	700 00
40. Jack, aged 2 years, Artemissa, 1, appraised at	200 00
42. Ellen, aged 29 years, and children Marcellus and Lewis, 1, at	600 00
45. Matilda, 27, and children, Henry 6, Armanda 10, Jane 2	800 00
49. Hannah, aged 37 years, appraised at	500 00
50. Eliza, aged 22, and child, infant, at	550 00
52. Sukey and children, Harry 4, Dave 1, at	700 00
55. Dinah, aged 25, and children, Oscar 3, and infant, 1, at	600 00
58. Rachael, 42, at	450 00
59. Sarah, 18, at	500 00
60. Sophy, 25, at	500 00
61. Winney, 22, and child, infant, at	525 00
63. Esther, 37, and child, infant, at	550 00
65. Maria, 32, at	500 00
66. Nancy, 22, and infant child, at	550 00
68. Peggy, 42, at	450 00
69. Esther, 17, at	450 00
70. Eliza, 9, at	250 00
71. Kitty, 12, at	300 00
72. Washington, 9, at	250 00
73. Rosetta, 12, at	275 00
74. Milly, 10, at	250 00
75. Esther, 7, at	200 00
76. India, aged 5 years, appraised at	200 00
77. Eli, aged 27, appraised at	700 00
78. Charles Rice, 27, appraised at	700 00
79. Rachel, 27, appraised at	500 00
80. Adalam, 18, appraised at	600 00
81. Leonora, 17, appraised at	500 00
82. Ishum, 12, appraised at	250 00
83. Charles Bell, 32, appraised at	650 00
84. Julyann, 26, and child, infant, appraised at	450 00
86. Bill, 23, appraised at	600 00
87. Sam Stark, 23, appraised at	600 00

INVENTORY—Continued.

88. Matt, 35, appraised at - - - -	$550 00
89. Harry, 50, appraised at - - - -	400 00
90. Sam West, 21, appraised at - - -	450 00
91. Charles Williams, 37, appraised at - -	650 00
92. Bob Bradley, 32, appraised at - - -	550 00
93. Lucy, 2, appraised at - - - -	100 00
Thirty head of horses and mules, at $40 each -	1,200 00
Thirty head of cattle, appraised at $6 each - -	180 00
Fifty head of hogs, appraised at $2 each - -	100 00
Eight head of sheep, appraised at $2 each - -	16 00
Three yoke of oxen, appraised at $50 each a yoke -	150 00
500 bushels of corn, at - - - -	150 00
Two wagons, appraised at - - - -	125 00
Farming utensils, at - - - - -	150 00
Household and kitchen furniture, appraised at -	375 00
Total amount - - -	$82,634 00

And having finished said inventory and appraisement, the total of which is eighty-two thousand six hundred and thirty-four $\frac{76}{100}$ dollars, and which includes all the property of the said succession owned jointly with Stephen Douglass as aforesaid, which we saw or had any knowledge of, I have closed the same at the place and on the day first above written, and have caused the same to be signed by the said appraisers and by Stephen Douglass, testamentary executor of said succession, in presence of Gabriel House and Richard Hewett, witnesses residing in said parish, aged above twenty-one years, who also sign with the parties and me, judge and notary.

STEPHEN DOUGLASS,
JAS. H. MOORE,
JOHN UPTON,
RICHARD HEWETT,
GABRIEL HOUSE.

RICHD. CHAS. DOWNES, *Parish judge.*

Filed June 9th, 1840.

STATE OF LOUISIANA, *parish of Madison:*

Be it remembered that, on this eighth day of June, A. D. eighteen hundred and forty, I, Richard Charles Downes, parish judge in and for said parish of Madison, in pursuance of a decree of the court of probates of said parish, proceeded to make sale, at public auction, of all the following described property, situate in the said parish and belonging to the succession of James S. Douglas, deceased, jointly with Stephen Douglass, on the plantation called

Buck Ridge, between the hours of ten o'clock, A. M., and 4 o'clock, P. M., viz: A plantation situate in this parish, and fronting on the Mississippi river, called Buck Ridge, composed of lots Nos. thirteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, fractional section forty-nine, fractional section fifty-three, north half of northwest quarter of section fifty-nine, lot one of section sixty-five, fractional section sixty-six, and lots one and two of section sixty-seven, in township No. thirteen, range No. thirteen east, and lot three of section twenty-two, township thirteen, range twelve east, containing in all three thousand three hundred and fifty-six 46-100 acres; also ninety-three negroes, slaves for life, on said plantation, viz: Bob, aged 42 years; John Myers, 22; Harry, 35; Damon, 25; Bob Hawkins, 52; Cuff, 32; Fielding, 37; Ned Tanner, 37; Philip, 21; Bill Upton, 27; Jessee, 37; Lewis, 17; Lindsey, 18; Boney, 17; Jim, 14; Sam, 16; Peter, 16; Andrew, 42; Caleb, 6; Ned, 16; Aaron, 17; Joe, 22; Elijah, 13; Bill, 10; Albert, 10; Jack, 9; Jessee, 9; Howard, 9; Jim Shields, 29; Bazil, 12; Henriette, 42, and child Martha, 5; Mary, 22; Amy, 32, and children, Patsey, 6, Bush, 3, Lewis, 1; Chaney, 28, and child Hampton, 6, Jack, 2, Artimissee, 1; Ellen, 29, and children Marcellus, 3, Lewis, 1; Martilda, 27, and children Henry, 6, Amanda, 10, Jane, 2; Hannah, 37; Eliza, 22, and infant; Sukey, 23, and children Harry, 4, Dave, 1; Dinah, 25, and children Oscar, 3, and infant, 1; Rachel, 42; Sarah, 18; Sophy, 25; Winney, 22, and infant; Esther, 37, and infant; Mariah, 32; Nancy, 22, and infant; Peggy, 42; Esther, 17; Eliza, 9; Kitty, 12; Washington, nine; Rosetta, 12; Milly, 10; Esther, 7; India, 5; Eli, 27; Charles Rice, 27; Rachael, 27; Adeline, 18; Leonora, 17; Isham, 12; Charles Bell, 32; Julia Ann, 26, and infant; Bill, 23; Sam Stark, 23; Matt, 35; Harry, 50; Sam West, 21; Charles Williams, 37; Bob Bradley, 32; and Lucy, 2 years old. Also thirty head of horses and mules, 30 head of cattle, 50 head of hogs, and eight head of sheep; 3 yoke of oxen, 500 bushels of corn, 2 waggons, and all the farming utensils and household and kitchen furniture belonging to, and now on, said plantation. Whereupon, after having given notice of the terms of said sale, viz: for cash, Mrs. Emeline Douglass, widow of James S. Douglass, deceased, and Archibald Douglass, of this parish, bid for all said property together, lands, slaves, and moveables, the sum of eighty-three thousand dollars; which sum being the last and highest bid made of all said property, I struck off and adjudicated all the said lands, slaves, and moveables, to the said Mrs. Emeline Douglass and Archibald Douglass, at and for the said price of eighty-three thousand dollars, $83,000 00.

In testimony of all which I hereunto subscribe my name, officially, on the day and date first above written, in presence of Joseph H. Moore, Gabriel House, and Richard Hewitt, witnesses of full age,

residing in this parish, who were present at said sale, and who also subscribe this process verbal with me.

RICHARD CHARLES DOWNES,
Parish judge.

Jos. H. Moore,
R. Hewitt,
Gabriel House.

Filed June 9th, 1840.

To the honorable the judge of the court of probates in and for the parish of Madison, State of Louisiana.

The petition of Stephen Douglass, who resides in the parish of Madison aforesaid, respectfully shews, that he is now prepared to render a final account of his administration as testamentary executor of the succession, or estate of James S. Douglass, deceased, that since the rendition of homologation of petitioner's former account, he has paid a large amount of debts due by the partnership existing between the petitioner and his testator, and also large amount of privileged debts due by the succession of his testator, as will more fully appear from annexed account; that all the property which belonged to the said succession has been sold pursuant to the orders of this court; that said succession owned no other property; that the effects or property which belonged to the said partnership existing between petitioner and his testator, which has been sold as aforesaid, and partition made. That petitioner is a creditor of said succession to the amount of $53,150 42, besides interest, and that said sum of $6,818 94 is privileged, as appears from said former account, to wit, $2,703 34 being one-half of the excess of partnership debts paid by petitioner over partnership effects, and $4,115 63 privileged in effects generally, to wit, those debts specified in Nos. 1, 2, 4, and part of No. 11, and $1,000 paid Dent, and petitioner's commissions; all of which will more fully appear from said account, and judgment thereon, that said succession is insolvent. Petitioner shews that he has paid large sums of money, to wit, all marked on annexed account as paid; that he has paid all ordinary debts of the succession presented to petitioner, and by him acknowledged, or approved by this court as due, the distribution amount due them, as per annexed tableau of distribution, to wit, 27 36-100 p. cent; wherefore petitioner prays that the annexed account and tableau of distribution be received, and approved, and homologated, after due proceedings, according to law, by this honorable court. That petitioner be decreed to be a privileged creditor, as set forth in annexed account and tableau; and petitioner having disposed of all the effects of said succession, as shewn in annexed account and tableau, be discharged and released from all further liability and duties in regard to said succession, and petitioner's bond be cancelled; and for all further and other relief which the nature of the case will admit of.

THOMAS N. PIERCE,
Attorney for petitioner.

STATE OF LOUISIANA, *parish of Madison:*

On this thirteenth day of March, A. D. eighteen hundred and forty-one, before me, Richard Charles Downes, parish judge in and for said State and parish, personally appeared Stephen Douglass, testamentary executor of the succession of James S. Douglass, who being sworn on the Holy Bible, deposed that the foregoing and annexed account is true, correct, and just.

STEPHEN DOUGLASS.

Sworn to and subscribed, on this 13th day of March, 1841, before me,

R. C. DOWNES, *P. judge.*

Succession of James S. Douglass, rendered by Stephen Douglass, testamentary executor, partnership of James S. Douglass and Stephen Douglass; account rendered by S. Douglass.

Paid by Douglass. Dr.	
To Nugent, Turpin & Watt, ex. A. - -	$12,095 47
a joint note of S. Banes, S. Douglass, and J. S. Douglass, ex. B. - - - -	2,155 00
sundry small accounts for stores, &c., &c., C. -	1,263 81
Abraham A. Green, account (D.) - -	823 64
Mein, Moore & Co., account (E.) - -	880 83
Abram Rundell & Co., " (F.) - -	1,796 17
S. Dent, (G. & H. H.) - - - -	1,487 35
John M. Carpenter, bill of exchange, (I.) -	1,018 19
Moore, Burrowes & Co., note (K.) - -	7,648 69
Ballard & Morehead's bill for med. a., L. -	188 50
taxes on joint lands and slaves, (ex. M.) -	295 05
overseer's bill, being $1,150, due G. House, and $1,800 paid to him, & $950 due Barnett, (N.)	3,900 00
Not paid yet.—Sam'l Dent's 2 notes for 54 bales of cotton, each note estimated at $2,000, for slaves in inventory - - - - - -	4,000 00
Paid.—A gin-wright for repairing a gin-house, &c.	750 00
" W. E. Miur, account to Sept. 18th, 1839, $5,566 42, from August 20th, 1840, to November 6th, 1840, $27 26 - -	8,393 78
	$64,596 48
Cr.	
By nett proceeds of cotton sold by Nugent, Turpin and Watt, "ex. A." - - -	9,819 51
54 bales of cotton sold Dent - - -	1,487 35
of cotton shipped through G. Gulf & R. Rd. Bk.	5,687 00
nett proceeds of cotton sold by W. E. Muir, being 245 bales, ex. O. - - -	9,944 35

ACCOUNT—Continued.

By nett proceeds of sale of plantation and slaves on Lake Saint Joseph - - - -		$25,350 00
of plantation and slaves on Mississippi river, called Buck Ridge - - - -		83,000 00
Total proceeds of partnership's effects - -		135,288 21
Debts and expences - - - -		46,596 48
Nett proceeds of partnership effects - -		$88,691 73

Succession of James S. Douglass, account rendered by S. Douglass, executor.

Dr.		
To Stephen Douglass, per judgment of probate court, rendered 25 Oct'r, 1839, for 53,150 42, as principal and interest; of which judgment privileged debt is $6,818 94, ordinary debt $46,331 48, and interest $2,980 32, in all - - -		$56,930 78
Mrs. Emeline Douglass, per judgment probate court, rendered 7th April, 184 , for $76,637 74, and interest thereon, now amounting to $2,714 04; total to November 15th - - - -		79,348 78
Thomas N. Pierce, counsel fees, (privileged & paid)		500 00
Probate judge's fees - - - -		800 00
Cr.		
By one-half of the nett effects of partnership effects		44,345 86½
Dr.		
To commissions 2½ on ½ of $46,596 45 - -		578 95
Tableau of distribution.		
Privileged debts to be paid in full, being counsel's fees $500, probate fees $800, and privileged debt due S. Douglass on said judgment, $6,818 94 -		8,118 94
Total amount of credit, as above - - -		44,345 86½
Commissions - - - - -		578 95
By amount to be distributed among ordinary creditors		35,649 00
To ordinary debts due the succession—		
To S. Douglass, ordinary part of debt,	$49,392 72	
Mrs. E. Douglass - -	79,348 78	
Remote liability on a note now sued on in the U.S.C.C. at N.O., being about, not acknowledged - -	12,000 00	
		$130,660 50

Making, if said claim is sustained, 27 $\frac{3603}{10000}$ per cent. to be divided among the creditors (ordinary) of the succession.

Petition, account, &c., of S. Douglass, tes. ex'r. Filed January 5th, 1841.

RICHARD CHAS. DOWNES,
Parish judge.

Notice of sale.—court of probates.

STATE OF LOUISIANA, *parish of Madison:*

Stephen Douglass, testamentary executor of the succession of James S. Douglass, *is* presented to said court his final account of his administration as testamentary executor of the succession or estate of James S. Douglas, deceased, and his petition praying that said account be homologated and approved. Now, therefore, all persons whom it doth or may concern, are required to shew cause, if any they have, in three days from the date of this notification, why the said account should not be homologated and approved. Witness the signature of the judge, and the seal of the said court, this 17th day of April, A. D. 1841.

RICHARD CHARLES DOWNES, [L. S.]
Parish Judge.

STATE OF LOUISIANA, *parish of Madison:*

I certify that the within advertisement has been published and stuck up at the door of my office, and also at the court house door of said parish, from the 17th day of May, A. D. 1841. Witness my signature and the official seal.

RICHARD CHARLES DOWNES. [L. S.]

Filed May 23d, 1841.

Opposition to executor's account, succession of James S. Douglass.

probate court, the State of Louisiana, for parish of Madison.

To the honorable Richard C. Downes, judge of the court of probates of the State of Louisiana, for the parish of Madison.

The opposition of Christopher Ford, who resides in the State of Tennessee, most respectfully shows: that your opponent is a large creditor of the said estate of James S. Douglass, as will more fully appear by reference of the United States circuit court for the eastern district of Louisiana, a duly certified copy of which will hereafter be filed in this matter of opposition. Your opponent opposes the homologation of the several accounts filed by Stephen Douglass, testamentary executor of the last will and testament of James S. Douglass, deceased, which said accounts your opponent alleges are entirely incorrect and illegal. No sufficient vouchers for the items of charge of said accounts are furnished, and said accounts are false, illegal, and incorrect. Wherefore, your opponent prays that said accounts be disallowed, and that said testamentary executor be ordered to file an amended account. Opponent says that he ought to be placed on

said accounts as a creditor for the amount of said judgment, and prays for general relief; and as in duty, &c.

STOCKTON, *for plaintiff.*

Filed May 3d, 1841.

Court of probates, July term, A. D., 1841.

STATE OF LOUISIANA, *parish of Madison :*

Succession of James S. Douglass, opposition to executors account, having duly considered the opposition of Christopher Ford to the account filed by Stephen Douglass, testamentary executor of the succession of James S. Douglass, and the said opposition not being supported by any evidence. It is therefore ordered and decreed, that said opposition be overruled and dismissed at the oppositionist's costs. Done and signed in open court, July 6th, A. D. 1841.

RICHARD CHARLES DOWNES,
Parish Judge.

Court of probates, July term, 1841.

STATE OF LOUISIANA, *parish of Madison :*

Having duly considered the petition of Stephen Douglass, testamentary executor of the succession of James S. Douglass, and his accounts thereto annexed, it is by reason of the law and the evidence, ordered, adjudged, and decreed, that said accounts be amended, by the rejection of the claim for commissions, amounting to five hundred and seventy-eight $\frac{95}{100}$ dollars, and by the rejection also of the liability of twelve thousand dollars, which is not sustained by any evidence ; and that said account, so amended, be homologated and approved, and that said Stephen Douglass, testamentary executor, be authorised to retain in his hands the sum of eight thousand one hundred and eighteen $\frac{94}{100}$ dollars, the amount of the privileged debts of said succession which he has paid. And that he pay the balance of the judgment heretofore rendered in his favor against said succession, amounting to $49,312 72. And the judg[ment] in favor of Mrs. Emeline Douglass, amounting to $79,348 78, pro rata, out of the balance of the funds of said succession remaining in his hands, viz: thirty-six thousand two hundred and twenty-six dollars, 92-100,

Done and signed in open court, this 6th day of July, A. D. 1841.

RICHARD CHARLES DOWNES,
Parish judge.

STATE OF LOUISIANA, *parish of Madison :*

I certify that the foregoing is a true and correct transcript of all the papers and documents on file and of record in my office, pertaining to the succession of James S. Douglas, deceased.

Witness my signature, and the impress of my official seal.

[L. S.]

R. C. DOWNES,
Parish judge.

Executions, and returns of the marshal upon them, referred to in plaintiff's pe[ti]tion.

CIRCUIT COURT UNITED STATES:

CHRISTOPHER FORD,
vs.
STEPHEN DOUGLASS, ex'or, &c.

Circuit court of the United States, for the ninth circuit, holding sessions in and for the eastern district of Louisiana.

The President of the United States to the marshal of the eastern district of Louisiana, or his deputy, greeting:

You are hereby commanded as heretofore, that you demand from Stephen Douglass, executor of the estate of James S. Douglass, deceased, the sum of nine thousand one hundred and eighty dollars, with interest of eight per cent. per annum, on four thousand five hundred and ninety dollars thereof, from the fifteenth day of January, 1838; and upon four thousand five hundred and ninety dollars thereof, from the 15th January, 1839, till paid; four dollars costs of protest, and the costs of suit herein taxed, to wit:

Clerk's fees, - - - - - -	$60 50
Late marshal, - - - - - -	96 00
Present marshal's - - - - -	2 00

Cash which Christopher Ford lately recovered by judgment of the circuit court of the United States, for the ninth circuit and eastern district of Louisiana, and if he shall not pay the same on demand, then you cause the same to be made out of the personal estate of the said Stephen Douglass, executor, &c., except slaves, in your district; if sufficient personal estate of the said Stephen Douglass, executor, &c., exclusive of slaves, cannot be found in your district, that then you [cause] the same to be made out of the personal estate, real estate, and slaves, of the said Stephen Douglass, executor, &c., in your district, whereof he was owner on the twenty-third day of December, 1840, into whose hands the same may have come; and that you have those moneys before our said court, to render to the said Christopher Ford, for the judgment aforesaid, on the seventieth day from date, together with this writ.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, the twenty-second day [L. s.] of March, A. D. 1842, and 66th year of the independence of the United States.

Signed, DUNCAN N. HENNEN, *Cl'k.*

Marshal's return.

Received March 23d, 1842, and postponed May the 9th, 1842, by order of the plaintiff.

Received March 23d, 1842, and after making demand of the de-

fendant Stephen Douglass, of the amount due plaintiffs, which he refused to pay, and also denied having any property to satisfy this writ, I then seized the following described property as belonging to the defendant, in the possession of Stephen Douglass, which said property was left in the possession of StephenDouglass, by consent of the plaintiffs, viz: a plantation fronting on the Mississippi river, called Buck Ridge, composed of lots Nos. 13, 14, 15, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34 and 35; fractional section 49 and 53, north half of north-west quarter of section number fifty-nine; fractional section number 66; lots No. 1 and 2, of section number 67; and lot one, of section number 65; all in township 13, range east; also lot three, of section number 22, in township 13, range 12, east; containing in all three thousand three hundred and fifty-six $\frac{46}{100}$ acres. Also the following described negro slaves for life, employed on, and attached to said plantation, viz: Bob, aged 40 years; John, 20; Harry, 33; Fielding, 35; Philip, 19; Jim, 35; Lindsey, 16; Jessee, 12; Peter, 14; Caleb, 4; Aaron, 15; Elizah, 11; Albert, 8; Jesse, 7; Jim Shields, 29; Henrietta, 40; Mary, 20; Amy, 30; Kissy, 28; Ellen, 7; Matilda, 25; Hannah, 35, and children Martha, Andrew, Patsey, Emily, Marcellas, Harry and Armanda; Damon, aged 23 years; Bob Hawkins, 50; Coffee, 30; Ned Sumer, 35; Bell Epton, Lewis, 15; Boney, 15; Sam, 13, Andrew, 40; Ned, 14; Joseph, 20; Bill, 8; Jack, 7; Howard, 7; Bazil, 10; Eliza, 20, and child Viney; Suckey, 21, and child Harry; Dinah, 23, and child Oscar; Rachel, 40; Sophy, Mary, 23; Nancy, 20; Esther, 15; Kitty, 10; Rosetta, 10; Esther, 5; Eli, 25; Rachal, 25; Leonard, 15; Charles, 30; Julia, 24; Sam Starke, 21; Harry, 50; Charley Williams, 35; Scipio, 50; Carter, 40; Mary, 14; George, 16; Jack, 25; Maria, 25; Harriet, 5; Caroline, 18; Sarah, 18; Winney, 20; Maria, 30; Peggy, 40; Eliza, 17; Washington, 7; Milly, 8; India, 3; Charles Rice, 25; Adeline, 16; Jenny, 45, Isham, 10; Amy, 35; Bill, 21; Matt, 35; Sam West, 19; Bob Brady, 30; Judy, 40; Mary, 45; Kesiah, 30; March, 15; Ellick, 30; John, 8; Thompson, 3; Caroline, 18; Rachael, 40, and child Mary Ann, and all the encrease of said slaves; and also all the crops, stock and farming utensils, attached to said plantations, and after giving the defendant due notice of said seizure, I advertised the above described property for sale; when the plaintiff stayed the sale until further orders; and upon receiving instructions to re-advertise said property, this writ was stayed by an injunction.

Signed A. SYDNEY ROBERTSON, *U. S. M.*

Circuit Court of the United States, for the ninth circuit, holding sessions in and for the eastern district of Louisiana.

The President of the United States, to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded as heretofore, that you demand from Stephen Douglass, executor of the estate of James S. Douglass,

deceased, the sum of four thousand five hundred and ninety dollars, with interest of eight per centum per annum, from the fifteenth day of January, 1840, till paid; three dollars costs of protest, and the costs of this suit herein taxed, to wit:

Clerk's fees now due, - - - - - -	$54 50
Late marshal's fees, - - - - - -	96 00
Marshal's fees, - - - - - - -	2 00

Cash, which Christopher Ford lately recovered by judgment of the circuit court of the United States, for the ninth circuit and eastern district of Louisiana, and if he shall not pay the same on demand, that then you cause the same to be made out of the personal estate of the said Stephen Douglass, executor, &c., except slaves, in your district, if sufficient personal estate exclusive of slaves can be found therein; but if sufficient personal estate of the said *of the said* Stephen Douglass, executor, &c., exclusive of slaves, cannot be found in your district, that then you cause the sum to be made out of the real estate and slaves of the said Stephen Douglass, executor, &c., in your district, whereof he was owner on the twenty-sixth day of December, 1840, into whose hands soever the same may [have] come; and that you have the said moneys before our said court, to render to the said Christopher Ford for the judgment aforesaid, on the seventieth day from date, together with this writ.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, the twenty-second day [L. s.] of March, A. D. 1842, and 66th year of the independence of the United States.

(Signed) DUNCAN N. HENNEN, *Clerk.*

Marshal's return.

Received March 23d, 1842, and postponed May 9th, 1842, by order of the plaintiff.

(Signed) A. SIDNEY ROBERTSON,
United States marshal.
By J. S. HAYNES, *Deputy marshal.*

Received March 23d, 1842, and after making demand of the defendant Douglass of the amount due the plaintiff, which he refused to pay, and also denied having any property to satisfy this writ, I then seized the following described property, as belonging to the defendant, in the possession of Stephen Douglas, which said property was left in the possession of Stephen Douglas, by consent of the plaintiff, viz: A plantation fronting on the Mississippi river, called Buck Ridge, composed of lots Nos. 13, 14, 15, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, and 35. Fractional section 49 and 53. North half of northwest quarter of section number 59. Fractional section number 66. Lots number one and two, of section number 67; and lot one, of section number 65; all in township No. 13, of range 13 east. Also lot 3, of section number 22, in

township 13, range 12 east, containing in all three thousand three hundred and fifty-six $\frac{46}{100}$ acres. Also the following described negroes, slaves for life, employed on, and attached to, said plantations, viz: Bob, aged 40 years; John, 20; Harry, 33; Fielding, 35; Philip, 19; Jim, 35; Lindsay, 16; Jesse, 12; Peter, 14; Caleb, 4; Aaron, 15; Elizah, 11; Albert, 8; Jessy, 7; Jim Shields, 29; Henrietta, 40; Mary, 20; Amy, 30; Kissy, 28; Ellen, 7; Matilda, 25; Hannah, 35, and children Martha, Andrew, Patsey, Emily, Marcellus, Harry, and Amanda; Damon, aged 23 years; Bob Hawkins, 50; Cuff, 30; Ned Sunner, 35; Bill Epton, ; Lewis, 15; Boney, 15; Sam, 13; Andrew, 40; Ned, 14; Joseph, 20; Bill, 8; Jack, 7; Howard, 7; Bazil, 10; Eliza, 20, and child Viney; Lucy, 21, and child Harry; Dinah, 23, and child Oscar; Rachael, 40; Sophy, ; Mary, 23; Nancy, 20; Esther, 15; Ketty, 10; Rosetta, 10; Esther, 5; Eli, 25; Rachael, 25; Leonora, 15; Charles, 30; Julia, 24; Sam Stark, 21; Harry, 50; Charley Williams, 35; Scipio, 50; Carter, 40; Mary, 14; George, 16; Jack, 25; Mariah, 25; Harriet, 5; Caroline, 18; Sarah, 18; Winney, 20; Mariah, 30; Peggy, 40; Eliza, 17; Washington, 7; Milly, 8; India, 3; Charles Rice, 35; Adeline, 16; Jenny, 45; Isham, 10; Amey, 35; Bill, 21; Matt, 35; Sam West, 19; Bob Brady, 30; Judy, 40; Mary, 45; Kesiah, 30; March, 15; Ellick, 30; John, 8; Thompson, 3; Caroline, 18; Rachael, 40, and child Mary Ann; and all the encrease of said slaves. And also all the crops, stock, and farming utensils attached to the said plantations. And after giving the defendant due notice of said seizure, I advertised the above described property for sale, when the plaintiffs stayed the sale until further orders; and upon receiving instructions to re-advertise said property, this writ was stayed by an injunction.

(Signed) A. SIDNEY ROBERTSON,
U. S. marshal.

CIRCUIT COURT OF THE UNITED STATES,
For the ninth circuit, holding sessions in and for the eastern district of Louisiana:

The President of the United States to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded, that you demand from Stephen Douglass, executor of James S. Douglass, deceased, the sum of four thousand five hundred and ninety dollars, with interest of eight per cent. per annum from the fifteenth January, eighteen hundred and forty-one, until paid; and for costs of suit—

Clerk's fees - - - -	$38 66-100
Late marshal's fees - - - -	40 50
Marshal's fees - - - -	4 00

Cash which Christopher Ford lately recovered by judgment of the circuit court of the United States, for the ninth circuit and eastern district of Louisiana; and if he shall not pay the same on demand,

that then you cause the same to be made out of the personal estate of the said Stephen Douglass, executor, &c., except slaves, in your district, if sufficient estate, exclusive of slaves, can be found therein; but if sufficient personal estate of the said Stephen Douglass, executor, &c., exclusive of slaves, cannot be found in your district, that then you cause the sum to be made out of the real estate and slaves of the said Stephen Douglass, executor, &c., in your district, whereof he was owner on the third day of January, 1842, into whose hands soever the same may have come; and that you have those moneys before our said court to render to the said Christopher Ford for the judgment aforesaid, on the seventieth day from date, together with this writ.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, the twenty-second day [L. s.] of March, A. D. 1842, and 66th year of the independence of the United States of America.

(Signed) DUNCAN N. HENNEN, *Clerk.*

Marshal's return.

Received March 23d, 1842, and postponed May 9th, 1842, by order of the plaintiff.

(Signed) A. SIDNEY ROBERTSON,
United States marshal.
By J. S. HAYNES, *Deputy marshal.*

Received March 23d, 1842, and after making demand of the defendant Stephen Douglas, of the amount due plaintiffs, which he refused to pay, and also denied having any property to satisfy the within writ, I then seized the following described property, as belonging to the defendant, in the possession of Stephen Douglas, by consent of the plaintiffs, viz: A plantation fronting on the Mississippi river, called Buck Ridge, composed of lots Nos. 13, 14, 15, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, and 35; fractional section 49 and 53; north half of northwest quarter of section number 59; fractional section number sixty-six; lots No. 1 and 2, of section number sixty-seven; and lot one of section number sixty-five; all in township number 13, range 13 east. Also lot three, of section number twenty-two, in township 13, range 12 east, containing in all three thousand three hundred and fifty-six $\frac{46}{100}$, acres. Also the following described negroes, slaves for life, employed on, and attached to, said plantations, viz:

Bob,	aged	40	years,	Mary,	aged	14	years,
John,	do.	20	do.	George,	do.	16	do.
Harry,	do.	33	do.	Jack,	do.	25	do.
Fielding,	do.	35	do.	Mariah,	do.	25	do.
Philip,	do.	19	do.	Harriett,	do.	5	do.
Jim,	do.	35	do.	Caroline,	do.	18	do.
Lindsey,	do.	16	do.				

LIST—Continued.

Jesse, aged 12 years,
Peter, do. 14 do.
Caleb, do. 4 do.
Aaron, do. 15 do.
Elijah, do. 11 do.
Albert, do. 8 do.
Jesse, do. 7 do.
J. Shields, do. 29 do.
Henrietta, do. 40 do.
and child Martha
Mary, aged 20 years,
and child Andrew
Amy, aged 30 years,
and children Patsey and Ambrose
Kissey, aged 28 years
and children Hampton and Emily
Ellen, aged 27 years,
and child Marcellus
Matilda, aged 25 years,
and children Harry and Armanda
Hannah, aged 35 years,
Suckey, do. 21 do.
and child Harry, aged 2 years
Dinah, aged 23 years,
and child Oscar
Rachal, aged 40 years,
Sophy, do. 25 do.
Mary, do. 23 do.
Nancy, do. 20 do.
Esther, do. 15 do.
Ketty, do. 10 do.
Rosetta, do. 10 do.
Esther, do. 5 do.
Eli, do. 25 do.
Rachael, do. 25 do.
Leonora, do. 15 do.
Charles, do. 30 do.
Julia, do. 24 do.
and infant
Sam Starke, do. 21 do.
Harry, do. 50 do.
C. Williams, do. 35 do.
Scipio, do. 50 do.
Carter, do. 40 do.

Rachael, aged 40 years,
and her child Mary Ann
Damon, aged 23 years,
Bob Hawkins, do. 50 do.
Cuff, do. 30 do.
N. Sunner, do. 35 do.
Bill Epton, do. 25 do.
Lewis, do. 15 do.
Boney, do. 15 do.
Sam, do. 13 do.
Andrew, do. 40 do.
Ned, do. 14 do.
Joseph, do. 20 do.
Bill, do. 8 do.
Jack, do. 7 do.
Howard, do. 7 do.
Bazil, do. 10 do.
Andrew, do. 1 do.
Eliza, do. 20 do.
and child Viney
Sarah, aged 18 years,
Winney, do. 20 do.
Mariah, do. 30 do.
Peggy, do. 40 do.
Eliza, do. 17 do.
Washington, do. 7 do.
Milly, do. 8 do.
India, do. 3 do.
Charles Rice, do. 25 do.
Adeline, do. 16 do.
Jenny, do. 45 do.
and children Milly and Missouri
Isham, aged 10 years,
Amy, do. 35 do.
Bill, do. 21 do.
Matt, do. 35 do.
Sam West, do. 19 do.
Bob Bradley, do. 30 do.
Judy, do. 40 do.
Mary, do. 45 do.
Kesiah, do. 30 do.
March, do. 15 do.
Ellick, do. 30 do.
John, do. 8 do.
Thompson, do. 3 do.
Caroline, do. 18 do.

And all the encrease of said slaves, and also all the crops, stock, and farming utensils attached to said plantations. And after giving the defendant due notice of said seizure, I advertised the above described property for sale, when the plaintiff [postponed] the sale until further orders. And upon receiving instructions to re-advertise said property, this writ was stayed by an injunction.

Signed, A. SIDNEY ROBERTSON,
United States Marshal.

And on the same day and year aforesaid, to wit, on the 21st day of December, 1842, the following order was made:

Let an injunction issue as prayed for, on the complainants entering into bond to the defendant, Ford, in the penalty of twenty-five hundred dollars, conditioned to pay all damages as the law requires, with James C. Gordon and R. C. Ballard, as sureties. New Orleans, 21st December, 1842.

Signed, THEO. H. McCALEB,
U. S. judge.

And on the same day and year aforesaid, the said 21st day of December, 1842, the following subpœnas were issued from the clerk's office:

UNITED STATES OF AMERICA:

The President of the United States to the marshal of the eastern district of Louisiana, greeting:

You are hereby commanded to summon the marshal of the United States circuit court to appear before the hon'ble the judges of the ninth judicial circuit of the United States of America, at a circuit court to be holden on the 1st Monday in January, 1842, then and there to answer a petition filed, wherein Archibald Douglass and als. are complainants, and Christopher Ford and als. are def'dts. Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States of America, this 21st [L. S.] day of Dec., in the year of our Lord one thousand eight hundred and forty-two, and the sixty-seventh of American independence.

Signed, DUNCAN N. HENNEN, *Clk.*
By H. B. PAGE, *D. clk.*

Marshal's return.

Received, 23d December, 1842, and on the same day I served a copy of the within subpœna in chancery on A. Sidney Robertson, United States marshal, in person, at New Orleans.

GEO. W. GAVIN, *D. U. S. marshal.*

UNITED STATES OF AMERICA:

The President of the United States of America to the marshal for the eastern district of Louisiana, greeting:

You are hereby commanded to summon Christopher Ford to appear before the honorable the judges of the ninth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday in January, 1843, then and there to answer a petition filed against him, wherein Archibald Douglass et als. are complainants, and the said Christopher Ford is defendant. Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States of America, this 21st day of December, in the year of our Lord one thousand eight hundred and forty-two, and the sixty-seventh year of American independence.

[L. S.]

Signed D. N. HENNEN, *Clerk.*
B. H. PAGE, *Dep. clerk.*

Received, December 23d, 1842, and on the 14th January, 1843, I served a copy of the within subpœna on Christopher Ford in person, at the city of New Orleans, (the said Ford having accepted service of the same.)

Signed J. P. WALDEN, *D. U.* [*S.*] *marshal.*
For A. SIDNEY ROBERTSON,
United States marshal.

And afterwards, to wit, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and forty-two, the following writ of injunction was issued:

CIRCUIT COURT OF THE UNITED STATES,
Ninth judicial circuit:

ARCHIBALD DOUGLASS et als.
vs.
CHRISTOPHER FORD et als.
} No. 1045.

The President of the United States of America to the marshal of the eastern district of Louisiana, or any of his lawful deputies, and to Christopher Ford, greeting:

You are enjoined and strictly commanded, that you desist from all further proceedings on the judgments rendered in the three following suits, to wit:

First. Christopher Ford vs. Stephen Douglass, executor of James S. Douglass, deceased, No. 576. Second. Christopher Ford vs. Stephen Douglass, executor of James S. Douglass, deceased, No. 580; and Third. Christopher Ford vs. Stephen Douglass, executor of James S. Douglass, deceased, No. 787, of the docket of this court, or on the three writs of fieri facias issued in said suits against the following property, to wit:

The one undivided half or whole of a certain plantation, situate in the parish of Madison, fronting on the Mississippi river, called Buckridge, composed of lots thirteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five; fractional section forty-nine, fraction[al] section fifty-three; north half of northwest quarter of section fifty-nine; lot one of section sixty-five; fractional section sixty-six, and lots one and two of section sixty-seven, in township number thirteen, range number thirteen east, and lot three of section twenty-two, township thirteen, range twelve east, containing in all three thousand three hundred and fifty-six and 46-100 acres, and ninety-three negro slaves for life on said plantation, viz: Bob, aged 42 years; John Meyers, 22; Harry, 35; Damon, 25; Bob Hawkins, 52; Cuff, 32; Fielding, 37; Ned Turner, 37; Philip, 21; Bill Upton, 27; Jessee, 37; Lewis, 17; Lindsey, 18; Boney, 18; Jim, 14; Sam, 16; Peter, 16; Andrew, 42; Caleb, 6; Ned, 16; Aaron, 17; Joe, 22; Elizah, 13; Bill, 10; Albert, 10; Jack, 9; Howard, 9; Jim Shields, 29; Bazil, 12; Henriette, 42, and child, Martha, 5; Mary, 22; Amy, 32, and children, Patsey, 6, Bush, 3, Lewis, 1; Chaney, 28, and child, Hampton, 6, Jack, 2; Artemoso, 1; Ellen, 29, and children, Marcellus, 3, Lewis, 1; Matilda, 27, and children, Henry, 6, Armanda, 10, Jane, 2; Hannah, 37; Eliza, 22, and infant; Sukey, 23, and children, Harry, 4, Dave, 1; Dinah, 25, and children, Oscar, 3, and infant, 1; Rachael, 42; Sarah, 18; Sophy, 25; Winney, 22, an infant; Esther, 37, and infant; Mariah, 32; Nancy, 22, and infant; Peggy, 42; Esther, 17; Eliza, 9; Kitty, 12; Washington, 9; Rosetta, 12; Milley, 10; Esther, 7; India, 5; Eli, 27; Charles Rice, 27; Rachael, 27; Adeline, 18; Leonard, 17; Isham, 12; Charles Bell, thirty-two; Julia Ann, 26, and infant; Bill, 23; Sam Stark, 23; Matt, 35; Harry, 50; Sam West, twenty-one; Charley Williams, 37; Bob Bradley, 32; and Lucy, 2 years old, slaves attached to and employed on said plantation; and also the whole or undivided half of a certain plantation, situate at the head of lake Saint Joseph, in the parish of Madison, composed of section No. twenty-one, of township No. thirteen, range No. twelve east, and lots No. two and three, of township No. 13, range No. thirteen east, containing in all seven hundred and ninety-nine $\frac{20}{100}$ acres of land, and seventeen negroes attached thereon, as follows: Carter, a man aged thirty-seven years; Ellick, a man aged forty years; Sepion, a man aged fifty years; Monk, a man aged 20 years; Jack, a man aged twenty-five years; George, a man aged seventeen years; John, a boy ten years; Caroline, a woman aged 15, and her child, aged one year; Mary, a girl aged fifteen years; Judith, a woman aged forty years; Mary, a woman aged 50; Maria, a woman aged 25 years, and her child, an infant; Kesiah, a woman aged thirty-five years; Harriett, a girl aged eight years; Tom, a boy aged 4 years; also, the personal property or crops growing or gathered now in pos-

session of the plaintiffs in this suit, or their agents or factors, until further orders of this court. And what you do in the premises, you make return thereof according to *to* law, to our said court, together with this writ.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this thirtieth day of December, in the year of our Lord one thousand eight hundred and forty-two, and of the independence of the United States the sixty-seventh year.

[L S.]

Signed DUNCAN N. HENNEN, *Clerk.*
By H. B. PAGE, *Deputy clerk.*

Marshal's return.

Received, 30th of December, 1842, and executed the within writ according to law.

Signed A. SIDNEY ROBERTSON, *Marshal.*
By J. P. WALDEN, *Deputy marshal.*

And afterwards, to wit, on the 21st April, 1843, the following deposition of R. C. Stockton, was filed:

DOUGLASS AND AL. vs. C. FORD. } Injunction.

United States circuit court.

Personally appeared before the undersigned, R. C. Stockton, and made oath that he filed an opposition in the name of, he thinks, C. Ford, of Tennessee, to the homologation of the accounts of Stephen Douglass, executor of James S. Douglass, in the probate court of Madison parish, on or about the third of May, 1841; that he was not employed by the said Christopher Ford, or any one else, to file said opposition, or did he ever know or see C. Ford, nor does he know him now. In explanation, he states that he had a conversation with Mr. Smith, of the firm of Peyton & Smith, in which Mr. Smith mentioned to him to enquire about what was doing with the estate of James S. Douglass, as there was apprehensions of its being squandered, or to that effect; that, being at Richmond about the time S. Douglass was passing his accounts, he thought that Messrs. Peyton & Smith would approve of his filing an opposition, and did so of his own will, and wrote to them on the subject; he never attended to the matter any further, and he did not consider himself employed to do any act by Messrs. Peyton & Smith, except to make enquiries as stated; deponent would, under same circumstances, do likewise in any such case; though not specially authorized to act, deponent put in the opposition because he thought it might preserve the rights of the party; neither Peyton or Smith, or any one else, ever wrote to deponent on the subject of the opposition, or on the subject of the claim of Ford.

Signed, R. C. STOCKTON.

Sworn to and subscribed, before me, this 21st January, 1843.
D. N. HENNEN, *Clerk court.*
By H. B. PAGE, *Deputy Clerk.*

The plaintiff objects to this deposition, to the competency of the witness, to the relevancy of the testimony, and reserves all and every other and further objections and exceptions thereto, except the form and manner of taking it.
Signed, JNO. R. GRYMES.

And on the same day, the 21st April, 1843, the following answer was filed.

DOUGLASS, vs. FORD. } No. 1045.

Answer.

The answer of Christopher Ford, of Virginia, to the petition of Archibald Douglass, and Maxwell B. Bland, and Emeline his wife, formerly Emeline Douglass, filed in the circuit [court] of the United States in and for the ninth circuit, &c.

The said Christopher Ford, reserving all exceptions to the said petition for insufficiency, &c., in answer thereto, or so much thereof as he is advised that he is bound to answer unto, answers and says: That he admits that he has recovered the said judgments set forth in said petition, and he further admits that those judgments were had and obtained against Stephen Douglass, executor of the last will and testament of James S. Douglass, deceased, for debts due by said James S. Douglass in his lifetime, or falling due after his death to this respondent; further admits that the marshal of the United States of the eastern district of Louisiana, acting under the directions of this respondent has, by virtue of three several writs of fieri facias emanating from this honorable court, levied on the whole of the estate mentioned in said petition as the property real and personal of the succession of James S. Douglass, deceased, and subject to the judgments had and obtained as aforesaid.

And this respondent [further admits] that he has directed the said marshal to proceed and sell the estate, real and personal, levied on as aforesaid by virtue of the said three writs of fieri facias, to satisfy the judgments obtained by this respondent against the said Stephen Douglass, executor of the last will and testament of James S. Douglass, deceased. This respondent denies most positively the allegation of said petition "that the said Stephen Douglass, neither in his own right, nor *as* executor of James *T.* Douglass, deceased, has any title or interest to or in the said plantations, slaves, or any personal property, seized or intended to be seized under or by virtue of the said writs, and that the same forms no part or portion of the estate of James S. Douglass, deceased, in the hands of the said Stephen Douglass, as his executor, to be administered." And your respondent further denies the allegations of said petitioners, that

"the whole of the said plantation and slaves, and all the personal property thereon, the crops of cotton and all other things thereon, are the true and lawful property of the petitioners, Emeline, wife of Maxwell W. Bland, and Archibald Douglass, by good and lawful title." And your respondent further denies, that the said plantations, slaves, &c., as alleged by said petitioners, are or ever have been in their lawful possession. And your respondent further denies, that there ever was a lawful and valid sale of said plantation, slaves, &c., of the succession of James S. Douglass, deceased, or that any such sale vested in said plantations a good and lawful title to the same. And your respondent denies that the said petitioners are entitled to have the said plantations, slaves, &c., as set forth in said petition. This respondent, Christopher Ford, charges and sets forth, that the homologation of the accounts of Stephen Douglass, executor of James S. Douglass, deceased, and the pretended sales set forth in the record of the mortuary proceedings in the succession of James S. Douglass, deceased, as set forth as an exhibit in said petition, are utterly null and void, and of no binding effect and force, and should not bar or prejudice the rights of this respondent against the estate of the said James S. Douglass, deceased. And your respondent charges that no right, title, or interest in the property of said estate ever vested in said petitioners by virtue of said illegal, null and void sales. And your respondent, for particular allegation of the illegality and nullity of said homologation of said accounts, and of the sales set forth in said transcript of the mortuary proceedings of the estate of said James S. Douglass, deceased, reserving to himself the benefit of exception to all the many illegalities, irregularities, errors and inconsistencies therein not herein mentioned, sets forth and specifies that it appears from said transcript that large claims were presented against said succession by the said executor, Stephen Douglass, and by Emeline Douglass, and the same were allowed; and it does not appear by said transcript that there was any vouchers or evidence to justify the admission or allowance of the same against said succession. Your respondent further specifies that the sale of the plantation, &c., at the head of Lake St. Joseph, was made for the purpose of satisfying a judgment in favor of Stephen Douglass, esquire, as aforesaid, against said succession, which said judgment was illegal and null, there being no vouchers apparent in said transcript to justify the same, and for other reasons.

Your respondent further specifies, that Emeline Douglass was tutrix, and Archibald Douglass was under tutor, for the minor heirs of James S. Douglass, deceased, and by virtue of their appointment as such, intimately connected with the mortuary proceedings aforesaid, and incapacitated from purchasing the property of said succession, and any purchase made by them, or either of them, was utterly null and void; your respondent further specifies, that it does not appear from said transcript that either the said Archibald

Douglass, or Emeline Douglass, ever paid any thing for said property alledged to be purchased by them, *by them* at said sales, and for reasons hereinafter charged, this respondent denies that any payments were made for said property. And your respondent alledges, that there are many other illegalities, irregularities and nullities as before stated, and evidences of fraudulent combination apparent in the said transcript, which your respondent relies upon to shew, that the proceedings therein, and the sales mentioned therein, are null and void, and which he reserves the benefit of, as fully as if the same were specially set forth. Your respondent, in addition to the errors, insufficiencies, nullities and inconsistencies, apparent in the said transcript of the record of the mortuary proceedings of the succession of James S. Douglass, deceased, which your respondent charges, render the sales relied on by petitioners null and void, further charges and sets forth, that the homologation of the accounts of the said Stephen Douglass, executor as aforesaid, and the sales of said plantations, negroes, &c., under which petitioners claim, were induced, brought about, and effected by fraud, simulation, collusion, and unlawful combination, between Stephen Douglass, *esquire*, as aforesaid, Emeline Douglass, Archibald Douglass, and others, for the purpose of defrauding this respondent, and others, of their just rights.

Your respondent sets forth, that James S. Douglass departed this life possessed of a large estate in Louisiana, as appears by the inventory contained in said transcript, and also of a large estate in the State of Mississippi, consisting of a plantation and about 60 negroes, and a large amount of debts, which will appear more fully by a transcript of the probate proceedings in Claiborne county, of said State, which your respondent will hereafter file in this honorable court. Your respondent further states, that some time after the decease of James S. Douglass, Stephen Douglass qualified as the executor of his last will and testament in Louisiana, and Emeline Douglass and Passmore Hoops, as executors in the probate court of Claiborne county, in the State of Mississippi. Your respondent states, that some time after the said executors had qualified as aforesaid, Richard J. Archer, the agent of this respondent, duly presented and made known to the said Stephen Douglass and the said P. Hoopes, the large claims held against the estate of the said James S. Douglass, deceased, by this respondent, consisting of the four notes on which judgment has been obtained in this honorable court, and on the note now held by the respondent, and not yet sued upon, for dollars; yet neither the said executor in Louisiana, or those acting in Mississippi, ever returned the same, or any list, or tableau of the debts of said estate of James S. Douglass, deceased; and your respondent charges, that soon after this large debt was notified to the said executors, that a most palpable system of fraud was commenced, for the purpose of squandering and making away with the estate of the said James

S. Douglass, deceased, in Louisiana, so that this respondent could not obtain payment of his just debt. Your respondent charges, that in pursuance of said fraudulent design, the said Stephen Douglass, executor of J. S. Douglass, deceased, filed his account against the succession as appears in said transcript, on the 19th August, 1839, in which the said Stephen Douglass claimed to have a judgment against the succession of James S. Douglass, deceased, for the sum of $53,150 42-100, which the said Stephen Douglass claimed to have paid of the debts of the succession out of his own means; and the said Stephen Douglass obtained a judgment for the said sum of $53,150 42-100, with most convenient facility against the succession of the said James S. Douglass, deceased. Your respondent charges that said Stephen Douglass had no other or very little other means than the property mentioned in said inventory, and although no sale had been made, he yet claimed to have paid the enormous sum of $53,150 42-100 dollars; and although, on final settlement, he only declared a dividend 27 36-100 per cent., yet he pretends to be full handed enough to pay the debts set forth in his account in full, and he obtained a judgment for the full amount of the same, in fraud of the creditors.

Your respondent charges, that upon the judgment thus illegally and fraudulently obtained, the said Stephen Douglass, as aforesaid, obtained an order of court for the sale of a large portion of said estate, as will appear from said transcript, for the purpose of paying *himself* the sum of 53,150 42-100 dollars. Whereas, your respondent charges that the large sum of 34,248 56-100 dollars, mentioned in said account as paid to Watt, Burke & Co., was illegally and fraudulentyc harged against said succession of Stephen Douglass, never should or ought to have obtained a judgment for the same, nor an order for the sale of the property to pay the same. Your respondent charges, that he is informed and believes, James S. Douglass, before his decease, bought of P. Hoopes a tract of land and a number of negroes on Bayou Vidall, situate in the parish of Madison, in this State, for the sum of 80,000 dollars, which he paid or satisfied the said Hoopes for before his death; after said purchase, he the said James S. Douglass sold the said tract of land and negroes to said James Graham, who lived in New Carthage, in Madison parish, Louisiana, for, as this deponent is informed, $130,000, taking his notes therefor; but the said Hoopes did not make a conveyance to said Douglass, nor said Douglass to said Graham; thus the matter stood at the death of James S. Douglass; the notes of said Graham, or the larger part of them, all, I think, came into the hands of P. Hoops, executor in Mississippi, and were returned in the inventory rendered by him and Emeline Douglass, executrix of the last will and testament of James S. Douglass, in Mississippi, which will more fully appear by transcript of proceedings in Mississippi of executors, hereafter to be filed.

This respondent represents, that he is informed and believes

some time in the year 1839, Glendy Burke, of the house of Watt, Burke & Co., went up to the parish of Madison, for the purpose of collecting the large debt due said house from the succession of James S. Douglass, deceased, aforesaid, and in concert with the said Stephen Douglass and P. Hoops, an arrangement was made to satisfy said debts through the said plantation and negroes, on Bayou Vidall, and the said P. Hoops delivered over to said Stephen Douglass the said Graham's notes, and took his receipt therefor, and the said P. Hoops as this respondent is informed and believes, made a conveyance of said plantation and negroes to said Graham, and the said Graham conveyed the same to the said Stephen Douglass, and the said Stephen Douglass conveyed the same to the said Glendy Burke, for $60,000, and by means of this latter sale, the said Watt, Burke & Co., were paid their debt of 34,248 $\frac{66}{100}$ dollars, and the said Stephen Douglass obtained the notes of said Glendy Burke for the overplus, bearing 10 per cent. interest per annum, which probably accounts for the magic facility in paying the said sum of 53,150 $\frac{42}{100}$ dollars.

This respondent avers that, as appears by the said transcript of the record of the mortuary proceedings in the succession of James S. Douglass, deceased, the said Stephen Douglass as aforesaid, never accounted for the plantation, negroes, &c., on Bayou Vidall, nor for notes of said Graham, nor for notes of said Glendy Burke.

Your respondent further charges, that after the said Stephen Douglass, executor aforesaid, filed his said account, and obtained an order for sale for the plantation and negroes, &c., on Lake St. Joseph, the same was adjudicated and sold, as appears by proces verbal of sale in said transcript, set forth to Archibald Douglass, (under tutor as aforesaid,) and Emeline Douglass, (tutrix in Louisiana) and executrix in Mississippi. And your respondent sets forth that the said sale purported to be for cash, and that the said Archibald Douglass was the brother of the said Stephen Douglass, and an ignorant young man, in destitute circumstances, and totally unable to make payment in cash for so large a sum. And your respondent sets forth that the said Emeline Douglass was also in destitute circumstances, and unable of her own means to make payment in cash for so large a purchase. And your petitioner charges that it does not appear that any such payment in cash was made, or that indeed any payment was made at all, by the said Archibald Douglass and Emeline Douglass, for said plantation, negroes, &c.; and your respondent believes and charges, that said payments never were made, and that said sale and purchase was simulated, and that the same is utterly null and void. Your respondent further charges and sets forth, that the said Emeline Douglass and Passmore Hoops obtained letters of executorship from the court of probates of Claiborne county, Mississippi, as before stated, on the day of and took charge of the executorship, and of all the property thereof, in the said State, inventoried and appraised at, say $ And

this respondent charges that all the debts due by said James S. Douglass, at the time of his death, in the State of Mississippi, properly appertained to the executorship of that State.

Your respondent charges and sets forth, that the said Emeline Douglass, and the said Parsimore Hoops, have never settled their accounts in Mississippi, and that it is impossible to set forth what debts, if any, they paid in that State. But your respondent charges that it was the duty of said executor and executrix, according to the laws of the State of Mississippi, to make publication according to the laws of the State of Mississippi, calling on the creditors of said estate to present their claims for settlement; and on presentation of the same, it was their duty to file a list of the same in the probate court of Claiborne county. Your respondent further charges, that by the laws of Mississippi all claims of residents of that State, which have not been presented to the executors within eighteen months after publication, according to law, are barred by the statute of limitations of that State. Your respondent charges, that a sale of the plantation and negroes, &c., in Mississippi, took place, and that the same was fraudulently and illegally conducted and brought about, and that the said Emeline Douglass, directly or indirectly, either herself or through others, who did not pay any thing for said plantation and negroes, became the claimant and owner, and now holds and claims the same as of her own right. This respondent begs leave hereafter to file in this honorable court a transcript of the record of the executory proceedings of the estate of James S. Douglass, deceased, in the probate court of Clairborne county in the State of Mississippi, and when filed, prays that the same may be taken as part of this answer. This respondent charges and sets forth, that on the first day of April, 1840, the said Emeline Douglass filed her petition, as appears from the transcript of the record of the mortuary proceedings in the succession of James S. Douglass, deceased, in Madison parish, setting forth she was the legal holder and owner of claims against the succession of James S. Douglass deceased, to the enormous sum of $76,635 74, and charging that said succession was indebted to her that amount, and prays that the property of said succession be sold to pay her. This respondent particularly refers to the items of the account filed by the said Emeline Douglass, and charges that the same, or the greater part of it, were debts due, (if due at all) by the estate of James S. Douglass, deceased, in the State of Mississippi; and this respondent specially refers to the large sums charged to have been paid to the Grand Gulf Bank, the Planters Bank, and all the bills of exchange on Bogart and Hoops, and others. This respondent charges, that the said claim of the said Emeline Douglass, was simulated and fraudulent, that the vouchers are not filed in the probate court of the parish of Madison, and have been withdrawn to conceal fraud, or never were filed. This respondent charges, that the notes and paper of the banks to which said large debts were alleged to have

been due, was greatly depreciated at that time, and that it was fraudulent in the said Emeline Douglass to bring said claims to the full par value against said succession. This respondent charges that the said executor, Stephen Douglass, in a manner evidencing fraudulent consideration, lent his name and sanction to the passage of the said unjust and fraudulent claim of $76,635 74, of the said Emeline Douglas; and that, on the same 1st day of April, 1840, the very day on which the petition was filed by the said Emeline Douglass, claiming the said sum of $76,635 74, against the succession of James S. Douglass, deceased, the honorable Richard Charles Downes, parish judge of the said parish of Madison, ordered and decreed, that Emeline Douglass have judgment against the succession of James S. Douglass, deceased, for the sum of $76,635 74, with interest at the rate of five per cent. per annum thereon, from the passage of that judgment, to wit: 1st of April, 1840, the same day the petition was presented; and the said Richard Charles Downes, parish judge as aforesaid, after divers proceedings had, as will appear by transcript aforesaid, on the 22d day of April, 1840, ordered and decreed, that a sale of the property of James S. Douglass should be made *for cash*, in order "to pay the debts of the succession, and to effect a judicial definitive decision, &c."

And this respondent charges, that it appears by the proces verbal of sale in said transcript set forth, that the splendid plantation called Buck Ridge, on Mississippi river, with about one hundred negro slaves for life, and all the stock of cattle, hogs, farming utensils, and household and kitchen furniture, belonging to said plantation, were adjudicated and sold, and the said Archibald Douglass and Emeline Douglass became the purchaser of the same, thus disposing of the last of the estate of James S. Douglass, deceased, both in the State of Louisiana and Mississippi. The said Emeline Douglass, acquiring the plantation and about 60 negroes in the State of Mississippi, and the said Archibald Douglass and said Emeline Douglass, acquiring the whole of the estate in Louisiana, excepting that which the said Stephen Douglass, executor of James S. Douglass, deceased, did not choose to account for.

Your respondent charges, that although said sale was ordered for cash, it does not appear that any payment was ever made therefor, and the same was simulated, collusive, and fraudulent, and the said Stephen Douglass remained in possession of said Buck Ridge plantation and negroes, and was living in the house at the time the levy mentioned in the said petition to your honorable court was made.

Your respondent sets forth, that after said rule, to wit, on the day of 1840, the said Stephen Douglass, executor of the succession of James S. Douglass, deceased, filed what purported to be his final account, annexed to a petition, in which he charged that all the property of the succession of James S. Douglass, de-

ceased, had been sold by order of court, and that said succession was insolvent, and that a distribution of 27 $\frac{35}{100}$ per cent. could be made on the debts thereof.

Your respondent charges, that said account is manifestly illegal and fraudulent, and that he was informed by the said honorable Richard Charles Downes, judge of the parish court of Madison, that no vouchers ever accompanied the same, or were on file in his office. This respondent, on enquiry in the office of the said parish judge, could not find a single voucher to sustain either the accounts of Emeline Douglass or Stephen Douglass as aforesaid.

Your respondent charges, that no notice was ever given, according to law, to the creditors of said succession, of its alleged insolvency, nor to present their claims, and that no meeting of creditors was ever had to deliberate on the disposal of the same, and that said property of said succession was illegally and fraudulently disposed of, and without any of the requirements of the law in cases of insolvent successions, notwithstanding it is charged by said Stephen Douglass, executor as aforesaid, that said succession could only pay 27 $\frac{34}{100}$ per cent. of its debts.

Your respondent charges, that said succession, properly and legally conducted in this State, and with the proper application of the proceeds of so large an estate, producing annually large and valuable crops, ought not to have been rendered insolvent, and that in absence of proof of debts justly due, it was only rendered insolvent by floating and packing upon it debts which properly appertained to the executorship of Mississippi, and others that were paid out of the proceeds of the sale of the place and negroes on Bayou Vidalle, and other unjust claims.

Your respondent further charges, that as appears by said transcript only four or five days notice was given of the presentation of said final account, and the said honorable Richard Charles Downes, judge of the parish of Madison aforesaid, finally "ordered and decreed that the same should be allowed," without further notice or vouchers to sustain the same.

Your respondent further charges, that as appears by the said judgment of the said parish judge, the said Stephen Douglass, executor as aforesaid, and the said Emeline Douglass, were the only creditors of said succession decreed to have the distributive portion of said estate, thus presenting as a finale that the said Emeline Douglass, who, at the decease of her husband, had no means beyond what she might be entitled to from her husband's estate, which is alleged to have been insolvent, was enabled in four or five years, in these hard times, to acquire a large estate in Mississippi; and the said Emeline Douglas, and the said Archibald Douglas, which latter personage was also nearly destitute of means at the decease of James S. Douglass, were enabled to acquire all the estate in Louisiana; and the said Emeline, and the said Stephen were enabled to obtain all the funds of said succession of James

S. Douglass on final close of the same; and it is even pretended that they were enabled to pay the same $80 or $90,000 over and above what they were to receive on final distribution.

Your respondent confidently relies, may it please the honorable court, on the charges and specifications herein set forth, and as appears on the face of the said transcript of the record of the mortuary proceedings of the succession of James S. Douglass, deceased, as shewing a palpable collusion, combination, simulation, and fraud between the said Emeline Douglas, in order to defraud this respondent and others, having just claims on the succession of the said James S. Douglass, deceased.

This respondent, Christopher Ford, of Virginia, charges and sets forth, that on examination of the said transcript, he sees that on the 3d of May, 1841, an opposition, purporting to have been filed in the name of Christopher Ford, of Tennessee, to the homologation of the several accounts filed by the said Stephen Douglass, executor as aforesaid, which opposition Stockton for plaintiff.

Your respondent positively charges and swears, that he never authorized said Stockton to file said opposition, or authorized him to do any act for him; that he never knew said Stockton, nor had he ever heard of him, nor did he authorize any one to employ him, but on the contrary; but had expressly ordered his agent, Mr. Richard J. Archer, of Mississippi, to avoid the State courts altogether for reasons sufficient, and to sue in the federal courts only; nor did he know that said opposition was filed, until some time in 1842 he was in the office of the parish judge of Madison parish, and on examining the record in said succession, saw a paper filed in opposition, purporting to be in the name of Christopher Fox, of Tennessee, but that he does not recollect that the name of Stockton or any one else was appended to it, for he asked for information as to the authority, and who Christopher Fox, of Tennessee, was? and Judge Downes aforesaid replied, he supposed it was a mistake, and that it ought to be Ford.

Your respondent further charges, that the only counsel and attorney to whom he entrusted his claims for collection, at least as late as March, 1842, was the firm of Peyton and Smith of the city, and he never authorized them to employ other counsel for him.

Respondent charges, that there are persons residing in Tennessee by the name of Ford, and one who has the Christian name of Christopher; and this respondent will shew to this honorable court that the said Peyton and Smith never employed any one to file said opposition, or to go in the said parish court for this respondent.

This respondent charges, that neither himself, nor any other person authorized to do so, ever employed or authorized said Stockton, or any one else, to file said opposition, or to make this respondent, in any way, a party to any of the mortuary proceedings of the succession of the said James S. Douglass, deceased, in the said Madison parish.

This respondent further charges, that he directed his agent, Mr. Richard J. Archer, of Mississippi, not to go with his claims into any of the State courts of any State for the recovery of his claims; and avers and swears, that he never was a party to any of the mortuary proceedings in the succession of James S. Douglass, deceased, had in the parish of Madison, State of Louisiana, and the same are null and void, so far as relate to him, praying of this honorable court the privilege of adducing testimony, should it become necessary, to prove this last and finishing fraud and collusion, if indeed there be any in the said opposition.

This respondent, having answered the allegations in said petition set forth, prays this honorable court that the said petition may be decreed to be dismissed, and the injunction had and obtained in this case may be dissolved, and a judgment rendered against the said petitioners and the sureties on their injunction bond for damages, according to law. That this honorable court make such other judgment, orders, and decrees as may be found legal and proper, to declare void and null the sales relied on in said petition; to finally dissolve the said injunction with legal damages in favor of this respondent; to dismiss said petition and relieve this respondent from the opposition of said petitioners; to order the marshal to proceed to the sale of said property under the said three writs of fieri facias, for the satisfaction of the said judgments of this respondent; and that this respondent have judgment for his costs.

And this respondent will ever pray, &c.

Signed, CHRISTOPHER FORD.

Christopher Ford makes oath, that the facts contained in the foregoing answer, so far as they are stated on his own knowledge, are true, and so far as they are derived from information of others, he believes them to be true.

Signed, CHRISTOPHER FORD.

Sworn to and subscribed before me, this 23d January, 1843.

DUNCAN N. HENNEN, *Clerk.*
By H. B. PAGE, *Deputy.*

And afterwards, to wit, on the 22d day of April, 1843, the following exception to the answer was filed:

DOUGLASS and others,
vs.
FORD and others.

CIRCUIT COURT OF THE UNITED STATES,
Eastern district of Louisiana:

The said plaintiffs except to the answer filed by the said defendants in this behalf, because the matters and things set forth in the said answer cannot, by law, be inquired *to* in the present suit or proceedings instituted by the said plaintiffs. And the said plain-

tiffs not admitting any of the facts or matters set forth and alleged in the said answer of the said defendants, but, on the contrary, denying and protesting against the truth of all and every part thereof, and alleging that the truth thereof cannot be inquired into in this action, pray that they may have the benefit of their injunction, and that the same may be made perpetual, &c.

Signed, JNO. R. GRYMES, *for plaintiffs.*

And on the same day and year aforesaid, to wit, on the 22d day of April, 1843, the following agreement was filed:

DOUGLASS and others,
vs.
C. FORD and others.

CIRCUIT COURT OF THE UNITED STATES,
Eastern district of Louisiana:

It is agreed that this case may be set down for argument on the matters of law arising on the petition and answer, as on an exception to the answer; and that if the judgment of the court, on the matters of law, should be for the defendant, the plaintiffs may join issue on the facts, and the testimony taken in the usual manner. The plaintiffs to be at liberty, at any time before hearing, to file special exceptions in writing.

Signed, JNO. R. GRYMES, *for plffs.*

And on the same day and year aforesaid, the transcript of proceedings in Mississippi, in the matter of J. Douglass' estate.

Estate of James S. Douglass, transcript of proceedings, Claiborne county, Mississippi.

STATE OF MISSISSIPPI:

Be it remembered, that at a regular term of the probate court, begun and held in and for the county of Claiborne *and* aforesaid, at the court-house thereof, on the fourth Monday and 25th day of December, in the year of our Lord one thousand eight hundred and thirty-seven, the following orders were made, to wit:

And now, on this day, a paper writing, purporting to be the last will and testament of James S. Douglass, deceased, was produced in open court by the executors therein named: Whereupon came William Finley, Henry S. Dent, and James Chamberlain, three of the subscribing witnesses thereto, who being duly sworn, deposeth and saith, that they subscribed their names to the said paper writing in the presence of the said testator, James S. Douglass, and at his request, and that he acknowledged the same to be his last will and testament; that they saw said testator sign the same in the presence of each other, and in the presence of Gabriel House and Robert L. Brennen, the other two subscribing witnesses; and at the time of signing the same, they verily believe that said testator,

James S. Douglass, was of sound and disposing mind and memory. Whereupon, it is ordered by the court, that the said paper writing be received and admitted to record, as the last will and testament of James S. Douglass, deceased. Which said will is in the words and figures [following], to wit:

I, James S. Douglass, of the parish of Concordia, and State of Louisiana, being feeble in body, and knowing the uncertainty of this life, but of sound and disposing mind and memory, do make and publish this my last will and testament.

First. I direct that all my just debts be paid, as soon after my decease as my executors shall realize the same from the real and personal estate entrusted to their care and management.

Secondly. Reposing the utmost confidence in my beloved wife, Emeline Douglass, I hereby constitute and appoint her executrix, and my brother Steven Douglass, and my friend Passmore Hoopes, executors of all my estate, real and personal, lying and being in the State of Mississippi.

Thirdly. I also appoint my brother Stephen Douglass, and my friend Passmore Hoops, executors of all my estate, real and personal, lying and being in the said State of Louisiana.

In witness whereof, I have hereunto set my hand and seal, this twenty-fourth day of November, one thousand eight hundred and thirty-seven.

Signed, JAMES S. DOUGLASS, [SEAL.]

Signed, sealed, and delivered, in the presence of us, who have subscribed in the presence of each other.

WM. FINLEY,
HENRY S. DENT,
GABRIEL HOUSE,
ROBERT L. BRENHAM,
JAMES CHAMBERLAINE.

"Ordered, that letters testamentary on the estate of James S. Douglass, deceased, be granted and issued to Emeline Douglass, Passmore Hoopes, and Stephen Douglass, they having taken the usual oath, and entered into bond in the penal sum of $100,000 00, one hundred thousand dollars, with George H. Evans and John Booth their sureties.

Ordered, that Sampson Bridges, M. D. Shelby, George S. Clarke, Alexander Torrey, and William H. Denney, be appointed appraisers on the estate of James S. Douglass, deceased.

And afterwards, to wit, at the January term, A. D. 1838, the following order was made by said court, to wit:

"Ordered, that the inventory and appraisement on the estate of James S. Douglass, deceased, amounting to $59,978 00, be received and recorded. Which said inventory is in the words and figures following, to wit:

"The State of Mississippi, to Sampson Bridges, Shelby, George S. Clarke, Alexander Torrey, and W. H. D. Denney, greeting:

This is to authorize you, or any three of you, jointly to appraise the goods, chattels, and personal estate of James S. Douglass, late of Claiborne county, deceased, so far as they shall come to your sight and knowledge, each of you having first taken the oath or affirmation hereto annexed; a certificate you are to return annexed to an inventory of the said goods, chattels, and personal estate, by you appraised, in dollars and cents, and in the said inventory you are to set down in a column or columns, opposite to each article, the value thereof.

Witness N. McDougall, esq., judge of the probate court of the county of Claiborne, this 26th day of December, 1837.

J. WETHERELL, *Clk.*

We, Samson Bridger, M. D. Shelby, George S. Clarke, and Alexander Torrey, do swear that we will well and truly, without partiality or prejudice, value and appraise the goods, chattels, and personal estate, of James S. Douglass, deceased, so far as the same shall come to our sight and knowledge, and will in all respects perform our duty as appraisers to the best of our skill and judgment. So help us God.

SAM'L BRIDGER,
MOSES D. SHELBY,
GEORGE S. CLARKE,
ALEXANDER TORREY.

Sworn to and subscribed, before me, this fifth day of January, 1838.

WM. H. D. DENNEY, *J. P.*

We, the undersigned appraisers, do certify, that the one sheet hereto annexed, contains a full appraisement of the goods and chattels and personal estate of James S. Douglass, deceased, so far as the same has come to our sight and knowledge, amounting to (59,978 00,) made agreeably to the above warrant and oath.

Witness our hands and seals, this January, 1838.

Signed,
SAMPSON BRIDGET, [SEAL.]
W. D. SHELBY, [SEAL.]
GEO. S. CLARKE, [SEAL.]
ALEX'R TORREY. [SEAL.]

Inventory and appraisement of the personal estate of James S. Douglass, deceased, taken 5th day of January, 1838.

Bob Tuft, a negro man	$1,000 00
Bob Parker, " "	1,200 00
Jourdon, " "	1,500 00
Isaac, " boy	600 00
James Upton, " man	1,100 00
Orange, " boy	500 00
Prince, " man	1,050 00
George, " boy	800 00
Aaron and Pegga, "	1,800 00
Scott, a negro boy	500 00
Bob Ballard and wife Mary	2,150 00
Jim Hackney, Eliza, Jane, and Cany Ann	2,500 00
Frank, Mariah, and Agga	2,000 00
Fanny Cocks, woman	850 00
Dick and Selsy	1,600 00
Easter, woman	700 00
Neptune, Mary, and Bacchus, jun'r	2,200 00
Lasson, Teller, Solomon, and Drey	2,000 00
Simon, boy	500 00
Will, Mary, Fanny Hertswell, Alfred, and Mansell	4,250 00
Adam, Mourning, Virginius	2,000 00
Frank, Mariah, Harriet, John, Milley, and Endia	2,800 00
Bill, Rachael, Malinda, Caroline, Hanson, & Emily	2,800 00
Lucinda, Edmuned, Charity, Jane, and Manda	2,200 00
Charity and child Patsey	700 00
Ben, man	1,000 00
Isaac and Sidney	1,800 00
Mary, girl	250 00
Bachus and Cretia	1,000 00
George, a man	500 00
Jemmy, Willis, John, and Ann	1,600 00
Jiney, Eveline, and Tennessee	1,600 00
Alfred, (cook)	1,350 00
Charles, (body servant)	1,200 00
Amount for'd,	$49,850 00
100 head of sheep	225 00
1 horse, Prince	125 00
1 horse, Toby	230 00
1 span horses, Charles and Columbus	300 00
18 head of horses, at $70	1,260 00
10 yoke of oxen, at 65	650 00
70 head of cattle, more or less, at $6	420 00

INVENTORY—Continued.

100 head of hogs, more or less, at $3 - -	$300 00
2 old waggons, $50 - - - -	100 00
1 set of carpenter's tools - - - -	40 00
1 blacksmith, do. - - - -	50 00
650 pounds iron, at 8 c. per lb. - - -	52 00
1 pleasure carriage - - - -	600 00
2 buggies - - - - -	15 00
1 sofa - - - - - -	100 00
2 dozen mahogany chairs, $10 each - -	120 00
2 arm chairs, at $25 - - - -	50 00
1 sideboard - - - - -	100 00
1 secretary bookcase and books - - -	100 00
1 sett of dining tables - - - -	100 00
1 sett of card tables - - - -	50 00
1 pair of andirons and fenders - - -	30 00
1 mahogany press - - - -	100 00
1 dressing bureau - - - -	20 00
1 beadstead and furniture - - -	130 00
5 feather beds, bedstead, and furniture -	250 00
1 silver tea sett and glass - - -	400 00
1 carpet and rugg - - - -	40 00
2 maps - - - - - -	10 00
Looking glass, candlesticks, &c. - -	25 00
70 bales cotton, at 40 - - - -	2,800 00
11 head of horses, at $70 - - - -	770 00
1 jackass - - - - -	300 00
15 Mafet ploughs, at $4; 1 lot of old hoes, $5 -	65 00
20 old axes, $10; 1 bell, $70 - - -	80 00
330 bushels corn, at 75 c.; 1,600 pds. fodder, at 1 c.	2,641 00

And afterwards, to wit, on the September term, A. D. 1838, of said court, the following order was made, to wit: "Ordered that the inventory of notes and accounts due the estate of James S. Douglass, as returned by P. Hoops, one of the executors, *to* be received and recorded."

Which said inventory is to be recorded, and is in the words and figures following, to wit:

James S. Douglass, deceased. Inventory of notes and accounts due estate of James S. Douglass.

James Graham's two notes, in the hands of Wall, Buck & Co. - - - - -		$20,000 00
James Graham's notes,	20 February, 1838	29,000 00
" " "	" " 1839	29,000 00
" " "	" " 1840	29,000 00
" " "	30 January, 1838	1,450 00
Jessee Stansboroughs	1 " 1838	8,250 00
" " "	1 " 1839	9,075 00
M. D. Shelby's "	1 " 1838	3,240 00
Jno. D. Vertner's "	1 March, 1838	1,100 00
J. M. A. Roberts "	1 January, 1838	1,793 74
" " "	1 " 1838	1,072 00
" " "	1 " 1838	1,020 00
A. R. Selser "	1 " 1838	1,100 00
" "	1 " 1839	460 00
" "	1 " 1840	460 00
James P. Clarke "	1 February, 1837	2,500 00
G. F. Evans "	17 June, 1839	225 00
J. H. Newman, due bill - - - -		67 50
L. Crouly's, due 17th October, 1837 - -		1,940 00
Hugh Curry's note, 1 January, 1838 - -		139 43
John R. Deane, " " " 1837 - -		325 00
" " " " " 1833 - -		65 28
W. L. Rusk's, due 23d March, 1836 - -		460 00
J. H. Maury, due bill - - - -		6 25
Jno. Booth's receipt for C. Whitacer, acc't and note		55 00
J. R. Wright, receipt for account vs. estate R. S. Hamilton - - - - -		76 14
Thomas Evans' note to S. Shaw - - -		3,364 00
S. Shaw's note - - - - -		50 22
Jas. Morris, receipt for acc't v. est. Eliz'th Moore, p'd		659 36
Balance due from Hoopes & Bogart - -		10,479 47
G. C. Hedrick's note - - - -		49 91
Judgment vs. L. Crouley - - - -		4,183 63
Sundry blacksmith's account - - -		763 00

STATE OF MISSISSIPPI, *Claiborne county, ss:*

Personally appeared, in open court, Passmore Hoopes, one of the executors of James S. Douglass, late of said county, deceased, being duly affirmed, deposeth and sayeth, that the above inventory contains a just and true account of the notes and accounts due said deceased, so far as the same have come to their sight or knowledge.

PASSMORE HOOPES.

Affirmed and subscribed to, this 27th day of September, 1838.
P. McDOUGALL, *Probate Judge.*

Truly recorded.
J. WETHERALL, *Clk.*

And afterwards, to wit, on the February term, A. D. 1840, of said court, the following order was made, to wit:

"And now this day personally appeared, in open court, Emeline Douglass, executrix of James S. Douglass, deceased, her late husband, and asked permission of the court to relinquish her said letters testamentary, and the court being satisfied that such relinquishment would not operate to the prejudice of the estate of said Douglass, and there being two executors of said estate still remaining, to wit, Passmore Hoopes and Stephen Douglass, the court doth hereby accept the relinquishment of her said letters testamentary applied for by the said Emeline Douglass; and she is hereby discharged from the duties of executrix of said estate."

"Ordered, that the executors of James S. Douglass, deceased, have leave to sell the personal property of said estate, being the same contained in an inventory and appraisement in this court at its January term, A. D. 1838.

"And afterwards, to wit, at the March term, A. D. 1840, of said court, the following order was made, to wit:

"Ordered that the account of the sale of the personal property of the estate of James S. Douglass, deceased, as returned by the executors P. Hoopes and Stephen Douglass, amounting to $33,240 50, be received and recorded." Which said sale is in the words and figures following, to wit:

James S. Douglass, deceased, in account of the sale of the personal property of James S. Douglass, late of the county of Claiborne, deceased, made pursuant to an order of court, March 20, 1840.

Bob Tute,	man	$600 00
Jourdin,	"	600 00
Isaac,	boy	400 00
Bob Parker,	man	700 00
Jim Upton,	a man	700 00
Orange,	a boy	350 00
Prince, Charity & child		1,000 00
George,	a boy	500 00
Scott,	a boy	400 00
Bob Ballard & wife Mary		1,500 00
Jim Hackney, wife Eliza, child Jane, & C. Ann		1,500 00
Frank & wife, and child Aggy		1,200 00
Fanny Cocks & child		500 00
Dick & Ciley, his wife		1,200 00
Mary Curtis & child		500 00
Neptune & Mary, and child Bacchus		1,200 00

ACCOUNT—Continued.

Dawson Tiller and Solomon Deay - - -	$1,200 00
Simon, a boy - - - - -	300 00
Will & Mary & child Fanny, Hartwell, Alfred & Randell	3,000 00
Adam & Morning, & Jummy - - - -	1,200 00
Frank & Mariah, children, & Harriett & Jno. Milley, Cretia & Archy - - - - -	1,500 00
Bell, Rachael, Malinda, Caroline - - -	2,000 00
Harrison & Jeffry - - - - -	
Lucinda, Charity, Edmund, Jane Manley - -	1,500 00
Ben Little - - - - - -	500 00
Isaac & Sidney - - - - -	1,200 00
Mary - - - - - - -	200 00
Bacchus & Cretia - - - - -	500 00
Alfred & Peggy - - - - -	1,600 00
Jinney and children, Willis, Ann & William	800 00
Viney, Emeline, and Tennessee - - -	1,200 00
75 head of sheep at $5 50 per head - - -	412 00
25 head of horses - - - - -	1,200 00
11 yoke of oxen - - - - -	400 00
50 head of cattle - - - - -	300 00
75 head of hogs - - - - -	100 00
2 old waggons - - - - -	50 00
1 set of carpenter's tools - - - -	30 00
1 set of blacksmith's tools - - - -	25 00
1 pleasure carriage - - - - -	400 00
1 sofa - - - - - -	24 00
1 dozen mahogany chairs - - - -	72 00
2 arm chairs - - - - - -	25 00
1 sideboard - - - - - -	75 00
1 secretary and book case - - - -	65 00
1 set of mahogany dining tables - -	75 00
1 set of card tables - - - - -	30 00
1 set of andirons and fenders - - -	20 00
1 mahogany wordrobe - - - -	75 00
1 dressing bureau - - - - -	15 00
1 mahogany bedstead & bed - - -	100 00
1 carpet & rugg - - - - -	25 00
2 maps - - - - - -	6 00
Mantle glass and candle sticks - - -	15 00
1 jack - - - - - -	100 00
15 old ploughs - - - - -	30 00
	151 00
Amount bro't from first page -	23,550 00
Amount bro't from 2nd page -	9,539 50
	$33,240 50

To the honorable the probate court of the county of Claiborne, State of Mississippi.

The executors of the estate of James S. Douglass, late of said county, deceased, respectfully state that, pursuant to an order of this honorable court, they exposed to public sale, after due public notice given, the whole of the personal property as above stated of the said *of the said* estate, and sold the same to Emeline Douglass for the sum of thirty-three thousand two hundred and forty dollars and fifty cents—the said Emeline Douglass being the highest and best bidder for the same.

PASSMORE HOOPES,
STEPHEN DOUGLASS,
Executors.

STATE OF MISSISSIPPI, *Claiborne county:*

Personally appeared before the undersigned, judge of probate, in and for said county, Passmore Hoopes and Stephen Douglass, executors of James S. Douglass, deceased, who, after being affirmed, do say that the foregoing report of sale of the personal estate of said testator is correct and true.

PASSMORE HOOPES,
STEPHEN DOUGLASS.

Affirmed and subscribed before me, 21st March, 1840.

N. McDOUGALL, *Judge of probate.*

Ordered, that the exhibit of the claims against the said estate of James S. Douglass, deceased, shewing the personal estate insufficient to pay the debts of said deceased, be received and recorded. Which said exhibit is in the following words and figures, to wit:

To the honorable the probate court of the county of Claiborne, State of Mississippi.

The executors of the estate of James S. Douglass, late of said county, deceased, reports that the following notes and claims justly existing against said estate of James S. Douglass, the said notes having been given by Emeline and Stephen Douglass to take up notes of said James S. Douglass, deceased, to wit:

In the Grand Gulf Railroad and Banking Company, the following notes, all dated May the 10th, 1838:

One note at 370 days,	for	- - - -	$2,646 48
Do	do	for - - - -	3,600 00
Do	do	for - - - -	10,000 00
Do	do	for - - - -	3,000 00
Do	do	for - - - -	2,000 00
			$21,246 48

LIST OF NOTES—Continued.

In the Planters' Bank, the following notes, to wit:	
One note due $\frac{15}{18}$ December, 1838, and renewed to December 1st, 1839 - - - -	$8,500 00
One note due same time, and renewed to same time, for	3,000 00
Do do do do for	6,000 00
Do do do do for	2,000 00
Do do do do for	1,640 00
Do do do do for	1,498 00
	$22,638 00
In the Commercial Bank at Natchez, the following notes given to take up two bills held by the United States Bank, to wit:	
One note due 13th December, 1839, for - -	$13,405 44
One note due 6th April, 1840, for - - -	9,945 28
	$23,350 72
One note due to John Murdock, due 23d February, 1840. Balance on a note to Gulf Bank, for an advance on cotton, supposed to be - - -	$4,000 00
One note due to Union Bank - - -	2,000 00
In addition to the above, there is due to the Planters' Bank, at Port Gibson, for debts taken up for John Grisham - - - - - -	20,900 00
There is due from the estate to the Agricultural Bank at Natchez, upwards of - - - -	18,000 00
Sundry other debts, amounting to upwards of -	20,000 00

The aggregate of said debts, amounting to the sum of one hundred and thirty-seven thousand seven hundred and thirty-six dollars and thirty-four cents. The whole of the personal property of said estate having sold for but thirty-three thousand two hundred and forty dollars and fifty cents, there will remain a debt which must be paid out of the real estate of one hundred thousand dollars and upwards; all of which is respectfully submitted.

PASSMORE HOOPES,
STEPHEN DOUGLASS,
By P. HOOPES.

Personally appeared in open court, Passmore Hoopes, one of the executors of the said James S. Douglass, deceased, and solemnly affirmed, that the foregoing account of the debts against the said

estate of said James S. Douglass is just and true, to the best of his knowledge and belief.

PASSMORE HOOPES, *Executor.*

Affirmed and subscribed in open court, this 26th day of March, A. D. 1840.

N. McDOUGALL, *Probate judge.*

Ordered, that the petition of the executors on the estate of James S. Douglass, deceased, praying for the sale of certain real estate of which deceased died seized and possessed, be received and recorded. And it is further [ordered,] that publication be made, and citation to all persons interested in the lands, tenements, and hereditaments of the said James S. Douglass, deceased, to be and personally appear at the next May term, A. D. 1840, of this court, and then and there to shew cause, if any they can, why an order shall not be granted said executors to sell (for the purpose of paying *of paying* the debts for which said deceased was bound at the time of his death,) the following real estate, to wit, being the tract of land on which the said Douglass resided at the time of his decease, and being the same tract conveyed by P. Hoopes and wife to the said Douglass, by deed, bearing date the 16th day of April, in the year 1833, and recorded in the clerk's office at Port Gibson, in Book O, pages 424, 5, 6, and 7.

Which said petition is in the words and figures following, to wit:

To the honorable the probate court of the county of Claiborne, State of Mississippi.

The petition of the subscribers, executors of the estate of James S. Douglass, late of said county, deceased, respectfully state, that, according to an account presented to the present term of this court, the personal estate of the said James S. Douglass is insufficient to pay the debts, they would therefore pray this honorable court to cause a citation to issue, directing all persons interested in the lands, tenements, and hereditaments of the said James S. Douglass, deceased, to appear before the honorable court, to shew cause, why so much thereof should not be sold as will be sufficient to pay the debts against the estate of the said Douglass, and particularly to shew cause, if any they can, why the tract of land on which the said Douglass resided, at the time of his death, should not be sold, being the same tract conveyed by Passmore Hoopes and wife to said Douglass by deed, bearing date the 16th day of April, in the year 1833, and recorded in the clerk's office at Port Gibson in Book O, pages 424, 5, 6, and 7; and as in duty bound, they will ever pray.

PASSMORE HOOPES,
STEPHEN DOUGLASS,
By P. HOOPES, *Exor.*

And afterwards, to wit, on the May term, A. D. 1840, of said court, the following order was made to wit:

"Whereas James S. Douglass, late of Claiborne county, deceased, died seized and possessed of, the following lands and tenements, to wit: the first messuage and tract, known in the land office at Washington, State of Mississippi, as the Stephen Douglass tract, bounded and described as follows: beginning at a post oak and hickory, and running south 40° west, 48.50 chains to a sweet gum; thence west 40°, 50 chains, to a red oak, south 85° N. west, 820 chains, to an ash tree; thence south 13° east, 8.79 chains; thence north 77° east, 44.72 chains, to a holly; thence north 13° west, 23 chains, to a post; thence north 40° east, 15 chains, to the place of beginning: containing six hundred and forty acres, be the same more or less, being the same messuage and tract of land, which James S. Douglass and Eveline his wife, conveyed to Passmore Hoopes, by deed bearing date the eighth day of May, A. D. 1830, and recorded in the clerk's office, at Port Gibson, in book L, No. 11, pages 189, 90 and 91; also the following messuage and tract of land, to wit: section No. 3 east, in the district west of Pearl river, in the State of Mississippi, which was entered at the register's office at Washington, by John Mitchell, and for which the final payment was made by Joseph Morrison, in whose favor the patent from the United States will issue, containing one hundred and forty acres, be the same more or less, being the same tract conveyed by Joseph J. Morrison and Polly his wife, by deed bearing date the ninth day of May, 1830, and recorded in the clerk's office, at Fort Gibson, in book L, N. 11, pages 211 and 212; also the following messuage and tract of land, with its improvements, containing five hundred and forty-four acres, lying and being in the south fork of the bayou Piere, in section No. 23 and 24, in township No. 11, in range No. 3 east, and bounded as follows: beginning at a hackbury, on bank of the south fork of the bayou Piere aforesaid, and running north 61 chains 8.28 links to a post; thence south 88° 59 east, to bayou dividing the aforesaid section No. 23 and 24; thence up said bayou, and by and with the mea[n]ders of the same, to a black gum, corner of said two sections; thence north forty degrees east, 50 chains, to a post oak and hickory; thence south 36° east, 22.10 chains, to a pine marked XIII, the N. W. corner of a tract of land, formerly owned by Samuel Montgomery; thence south 11° 15 west, 83 chains, to a post on the bank of the bayou Piere, where a sycamore formerly stood; thence down said bayou Piere, and by and with the meanders thereof, to the hackbury, the place of beginning, being the same tract of land which John S. Dorsey and Ann his wife, conveyed to Passmore Hoopes, by deed bearing date the 27th day of December, 1828, and recorded in the clerk's office, at Port Gibson, in book L, No. 11, pages 185, 6 and 7; also the following tract of land, containing one hundred and ten acres more or less, being the same tract of land that

Abraham K. Shaefer, as sheriff of the county of Claiborne, sold to Passmore Hoopes, by deed bearing date the 20th day of April, 1829, and recorded in the clerk's office, at Port Gibson, in book M, No. 12, pages 127 to 129 inclusive, all of said tract lying in one body in the county of Claiborne, and being the same land which Passmore Hoopes and wife conveyed to James S. Douglass, by deed bearing date the 10th day of April, 1833, and recorded in the clerk's office, at Port Gibson, in book O, pages 42, 4, 5, 6, and 7. And whereas, it has been made to appear to the satisfaction of the court, by the executors of the said James S. Douglass, that the personal estate of said Douglass is insufficient to pay the debts of his estate, and an application having been made to this court by the said executors for the sale of the aforesaid real estate for the payment of the debts, and publication having been duly made according to law, for all persons interested to show cause, if any they can, at the present term of the court, why said real estate should not be sold; and no person appearing or objecting, it is therefore ordered and adjudged by this court, that the executors of said James S. Douglass have leave to sell the aforesaid tenements and tracts of land, on a credit of one, two, or three years, on their giving due legal notice of the time and place of said sale."

And afterwards to wit: at the April term, A. D. 1840, of said court, the following order was made, to wit:

"Ordered, that the report of the sales of the real estate of James S. Douglass, deceased, as presented by the executors, be received and recorded.

Which said sale is in the words and figures following:

James S. Douglass, deceased. To the honorable the probate court for the county of Claiborne, State of Mississippi. The undersigned, executors of the last will and testament of James S. Douglass, late of said county, deceased, reports.

That pursuant to an order of the court made on its May term, A. D. 1840, after having given due public and timely notice of the time and place of sale, they exposed the following described premises, the property of said Douglass, to sale by public vendue or outcry, to wit: The first messuage or tract known in the land office at Washington, State of Mississippi, as Stephen Douglass tract, bounded and described as follows: beginning at a post oak and hickory, and running south 40° west, 48.50 chains, to a sweet gum; thence west 40°, 50 chains, to a red oak, south 85° west, 820 chains, to an ash tree; thence south 15 degrees east, 8.79 chains; thence 77° east, 42.72 chains, to a holly; thence north 13° west, 23 chains, to a post; thence north 40° east, 15 chains, to the place of beginning: containing six hundred and forty acres, be the same more or less, being the same messuage and tract of land which James S. Douglass and Eveline his wife, conveyed to Passmore Hoops by deed bearing date the eighth day of May, A. D. 1830, and recorded in the clerk's

office at Port Gibson, in book No. 11, pages 189, 190, and 191. Also the following messuage and tract of land, to wit: section No. 3 east, in the district west of Pearl river, in the State of Mississippi, which was entered at the register's office at Washington, by John Mitchell, and for which the final payment was made by Joseph P. Morrison, in whose favor the patent from the United States will issue, containing one hundred and forty acres, be the same more or less, being the same tract conveyed by Joseph I. Morison, and Polly his wife, by deed bearing date the 9th day of May, 1830, and recorded in the clerk's office at Port Gibson, in book L., No. 11, pages 211 and 212. Also the following messuage and tract of land, with its improvements, containing five hundred and forty-four acres, lying on the south fork of the bayou Piere, in sections No. 23 and 24, in township 11, in range No. 3 east, and bounded as follows: beginning at ahackbury, on the bank of the south fork of bayou Piere aforesaid, and running north 61 chains and 28 links, to a post thence south 88° 59′ east, to a bayou, dividing the aforesaid section No. 23 and 24; thence up said bayou, and by and with the meandering of the same, to a black gum, corner of said two sections; thence north 40° degrees east, 50 chains, to a post oak and hickory; thence south 36° east, 22.20 chains, to a pierre marked XIII. The N. W. corner of a tract of land formerly owned by Samuel Montgomery; thence south 11° 15′ west, 83 chains, to a post on the bank of the bayou Piere, where a sycamore formerly stood; thence down said bayou Pierre, and by and with the meanderings thereof, to the hackbury, the place of beginning, being the same tract of land which John I. Dorsey, and Ann his wife, conveyed to Passimore Hoopes by deed bearing date the 27th day of December, A. D. 1828, and recorded in the clerk's office at Port Gibson, in book L, No. 11, pages 185, 6 and 7; also the following tract of land containing one hundred and ten acres, more or less, being the same tract of land which Abraham K. Shaefer, as sheriff of the county of Claiborne, sold to Passmore Hoopes by deed bearing date the 20th day of April, 1829, and recorded in the clerk's office at Port Gibson, in book M, No. 12, page 127 and 129, inclusive; all of said tracts of land lying in one body, in the county of Claiborne, and being the same land which Passmore Hoopes and wife conveyed to James S. Douglass, by deed bearing date the 16th day of April, A. D. 1833, and recorded in the clerk's office at Port Gibson, in B. O, pages 424, 6 and 7. The undersigned further reports, that at said public sale they sold the aforesaid tracts of land to Eveline Douglass, the widow of the said James S. Douglass, for the sum of five dollars an acre, on a credit of one, two, and three years, the said Eveline Douglass being the highest and best bidder, and that the highest price bidden for the same; all which is respectfully submitted.

PASSMORE HOOPES,
STEPHEN DOUGLASS,
Executors.

STATE OF MISSISSIPPI, *Claiborne county, ss:*

Personally appeared before the undersigned, judge of probate, in and for the said county, Stephen Douglass, one of the executors of James S. Douglass, deceased, and made oath that the foregoing report of the sale of real estate of said testator is correct and true.

STEPHEN DOUGLASS,

Truly recorded. F. A. POOR, *Clerk.*
By J. McCAY, *D. C.*

Sworn to and subscribed before me, this 17th April, 1841.

N. McDOUGALL,
Judge of Probate.

And afterwards, to wit, at the November term, A. D. 1842, of said court, the following order was made, to wit: "On motion of Passmore Hoopes, one of the executors of James S. Douglass, deceased, by his attorney, it is ordered that the application of said Hoopes, for leave to resign his executorship as aforesaid, be continued until the next regular term of the court."

And afterwards, to wit, at the December term, A. D. 1842, of said court, the following order was made to wit. On motion of Passmore Hoopes, one of the executors of James S. Douglass, deceased, by attorney, it is ordered that the settlement of said Hoopes' account. and his application to resign his executorship as aforesaid, be continued until the next regular term of this court.

And afterwards, to wit, at the January term, A. D. 1843, of said court, the following order was made, to wit: In the matter of the final account of Passmore Hoopes, one of the executors of James S. Douglass, deceased, &c., on motion of Passmore Hoopes, by his attorney, it is ordered that the settlement of said Hoopes' account, and his application to resign his letters testamentary as aforesaid, be continued until the next regular term of this court.

STATE OF MISSISSIPPI, *county of Claiborne, ss:*

I, Frederick J. Poor, clerk of the probate court in and for said county, do hereby certify, that the foregoing transcript of 20 pages, and part of this page, contains a true copy of all the orders, accounts, and other proceedings in said court, in the matter of the estate of James S. Douglass, as the same appears of record in my office.

Given under my hand and the seal of office, at Port Gibson, this 9th day of February, A. D. 1843.

Signed, FRED'K J. POORE, *Clk.*

And afterwards, to wit, on the 22d day of April, 1843, the following order of court was entered of record, to wit:

SATURDAY, *April 22nd*, 1843.

The court met pursuant to adjournment. Present: the honorable John McKinley, presiding judge; the honorable Theodore H. McCaleb, district judge.

ARCHIBALD DOUGLASS & al.
vs.
CHRISTOPHER FORD and al. } No. 1,045.

This cause came on for trial this day, upon the plaintiff's exceptions to the answer of defendant; J. R. Grymes, esquire, appearing for the complainants, and Huston & Prentice, esquire, for the defendants. Whereupon, after argument, the case was continued for further argument, until Monday, the 24th instant, at ten o'clock, A. M.

And afterwards, to wit, on the 24th day of April, 1843, the following order of court was entered of record:

MONDAY, *April 24th*, 1843.

The court met pursuant to adjournment. Present: the honorable John McKinley, presiding judge; the honorable Theodore *Theodore* H. McCaleb, district judge.

CHRISTOPHER DOUGLASS and al.
vs.
CHRISTOPHER FORD and al. } No. 1,045.

The consideration of exception filed in this case to the answer of the defendant, was this day resumed before the court, the complainants not appearing, either in person or by his solicitor, and F. Huston, esquire, for the defendant. Whereupon, the arguments of counsel being closed, it is ordered, adjudged, and decreed, by the court, that the exception of the complainants to defendants' answer be sustained, and that the defendant answer over.

ARCHIBALD DOUGLASS and al.
vs.
CHRISTOPHER FORD and al. } No. 1,045.

The defendant Christopher Ford, by his counsel, declines to answer further in this case the bill of the plaintiffs, relying and insisting on the sufficiency of the ample and conclusive answer filed by him in this cause, and the utterly null and void character of the title set up by said plaintiffs, apparent on their said bill, and the record of the mortuary proceedings of the succession of the said James S. Douglass, deceased. The defendant having declined to answer further in this case, and to submit it to the court to render such final decree in the case as may appear to them to be proper, it is therefore ordered, adjudged, and decreed, that the injunction heretofore awarded in this case, be, and the same is made perpetual; and it is further ordered, adjudged, and decreed, that the plaintiffs recover the costs of suit, without prejudice to the right of the defendant to any action he may think proper.

And afterwards, to wit, on the 24th day of May, 1843, the following order was entered of record, to wit:

ARCHIBALD DOUGLASS and als.
vs.
CHRISTOPHER FORD and al. } No. 1,045.

In this case the judgment having been signed, and the time for an appeal to stay execution having elapsed, on motion of Jno. R. Grymes, esq'r, of counsel for the plaintiffs, it is ordered, that the injunction bond be given up to him to be cancelled.

And afterwards, to wit, on the 19th day of July in the same year, the following petition of appeal was filed in the clerk's office:

DOUGLASS, BLAND and als.
vs.
CHRISTOPHER FORD. } No. 1,045.

To the honorable the circuit court of the United States, fifth circuit, and eastern district of Louisiana, the petition of Christopher Ford, by Felix Huston, his attorney in fact, and counsellor and attorney at law, respectfully shews:

That he has been advised that there is error in the interlocutory and final decree of this honorable court; the final decree rendered on the 24th day of April, 1843; in the injunction suit of Douglass, Bland and others vs. Christopher Ford, your petitioner, to stay further proceedings on three several writs of execution issued from this honorable court on judgments obtained by your petitioner, Ford against Stephen Douglass, administrator of James S. Douglass, deceased.

From the decrees and proceedings in said suit, your petitioner prays an appeal to the Supreme Court of the United States of America, on filing his bond for costs, with Ward, Jonas & Co., as his securities.

Signed,

C. FORD,
By F. HUSTON,
His attorney in fact and at law.

And afterwards, to wit, on the same day and year aforesaid, the following order was made:

ARCHIBALD DOUGLASS and als.
vs.
C. FORD. } No. 1,045.

Let an appeal be granted as prayed for, on petitioner's entering into bond, with Ward, Jonas & Co., as securities, in the sum of five hundred dollars, conditioned according to law.

Signed,

THEO. H. McCALEB,
U. S. judge.

And on the same day and year aforesaid, the following bond was filed in the clerk's office:

Know all men by these presents, that we, C. Ford, by F. Huston, his attorney in fact and attorney at law, as principal, and Ward,

Jonas & Co., by Geo. Jonas, as securities, are held and firmly bound, jointly and severally, unto Maxwell W. Bland, and Emeline his wife, and A. Douglass, in the sum of five hundred dollars, lawful money of the United States of America, to be paid to the said Archibald Douglass and Maxwell W. Bland, and Emeline his wife, their heirs, executors, administrators, and assigns; for which payment, well and truly to be made, we bind ourselves, and each of us by himself, and each of our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals, and dated the nineteenth day of July, in the year of our Lord eighteen hundred and forty-three.

Whereas the above named Christopher Ford has this day presented a petition to the honorable the circuit court of the United States for the fifth circuit, holding sessions in and for the eastern district of Louisiana, praying for an appeal to the Supreme Court of the United States, from a judgment or decree rendered at the April term of said court, in a certain suit wherein Archibald Douglass and others are plaintiffs, and said Christopher Ford and als. are defendants.

Now, the condition of the above obligation is, that we, the above bounden C. Ford, and Ward, Jonas & Co., will well and truly pay to the said A. Douglass and M. W. Bland, and Emeline his wife, the defendants in said appeal, all such damages as they may recover against us, in case it should be decided that the said appeal was wrongfully obtained.

Signed,

C. FORD,
By F. HUSTON, [SEAL.]
His attorney in fact and attorney at law.
WARD, JONAS & Co.,
By GEO. JONAS.

Signed, sealed, and delivered, in presence of—
(Signed) H. B. PAGE.

And afterwards, to wit, on the 21st day of July in the year aforesaid, the following citation of appeal was issued from the clerk's office:

The United States of America to Archibald Douglass, and Maxwell W. Bland, and Emeline, his wife, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, on the 2d Monday of January next, pursuant to a petition for an appeal filed in the clerk's office of the circuit court of the United States, for the fifth circuit and eastern district of Louisiana, and an order granting the same, in a case wherein Christopher Ford is appellant, and you are appellees, to show cause, if any there be, why the judgment rendered against the said appellant, as in the said petition of appeal mentioned, should not be reversed, and why speedy justice should not be done to the parties in that behalf.